214A
ACC#10

STATE OF KANSAS

DEPARTMENT OF HEALTH AND ENVIRONMENT
DIVISION OF ENVIRONMENT

PERMIT

Hazardous Waste Facility

In accordance with the provisions of Kansas Statutes Annotated 65-3430 et. seq.

PERMISSION IS HEREBY GRANTED

KANSAS ARMY AMMUNITION PLANT

to DEPARTMENT OF THE ARMY AND DAY AND ZIMMERMANN, INC.

(OWNER AND OPERATOR RESPECTIVELY)

E.P.A. Identification Number KS D213820467

to operate a HAZARDOUS WASTE STORAGE AND TREATMENT FACILITY

located at PARSONS, KANSAS

in accordance with rules and regulations of the Department of Health and Environment, and the following-named conditions and requirements to wit:

The Permittee must comply with all terms and conditions in Sections I, II, III, IV, V and VI of this permit. This permit consists of the conditions contained herein, including those in any attachments, the permit application, including all revisions and all applicable hazardous waste regulations contained in K.A.R. 28-31-1 through 28-31-14 in effect on the date of issuance of this permit.

This permit shall become effective at midnight on December 7, 1989 and shall remain in effect until December 7, 1994 unless revoked and reissued, or terminated or continued in accordance with K.A.R. 28-31-9.

Done at Topeka, this 1st day of December 19 89

DEPARTMENT OF HEALTH AND ENVIRONMENT
Forbes Field Topeka, KS 66620-7200
(913) 296-1500

STATE OF KANSAS

DEPARTMENT OF HEALTH AND ENVIRONMENT
DIVISION OF ENVIRONMENT

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to DEPARTMENT OF THE ARMY, KANSAS ARMY AMMUNITION PLANT

E.P.A. Identification Number KS 0213820467

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The Permittee must comply with all terms and conditions in Sections I, II, III, IV, V and VI of this permit. This permit consists of the conditions contained herein, including those in any attachments, the permit application, including all revisions and all applicable hazardous waste regulations contained in K.A.R. 28-31-1 through 28-31-14 in effect on the date of issuance of this permit.

This permit shall become effective at midnight on December 7, 1989 and shall remain in effect until December 7, 1994 unless revoked and reissued, or terminated or continued in accordance with K.A.R. 28-31-9.

Done at Topeka, this 7th day of November 19 89

DEPARTMENT OF HEALTH AND ENVIRONMENT
Forbes Field Topeka, KS 66620-7200
(913) 296-1500

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ACC #10

SECTION I

STANDARD PERMIT CONDITIONS

I.A. EFFECT OF PERMIT

The Kansas Army Ammunition Plant, hereinafter referred to as the Permittee, is allowed to treat and store hazardous waste in accordance with the conditions of this Permit. Any treatment, storage or disposal of hazardous waste not authorized in this Permit is prohibited. Operation of the open burning/open detonation area is allowed under 40 CFR 265.382. Subject to 40 CFR 270.4 compliance with this Permit generally constitutes compliance, for purposes of enforcement, with K.S.A.65-3430 et seq. and K.A.R. 28-31-1 through 28-31-14 and Subtitle C of the Resource Conservation and Recovery Act (RCRA) as amended by the Hazardous and Solid Waste Amendments (HSWA) of 1984. Issuance of this Permit does not convey any property rights of any sort or any exclusive privilege; nor does it authorize any injury to persons or property, any invasion of other private rights, or any infringement of state or local law or regulations. Compliance with the terms of this Permit does not constitute a defense to any order issued or any action brought under Sections 3008(a), 3008(h), 3013, or 7003 of RCRA; Sections 106(a), 104 or 107 of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9601 et seq., commonly known as CERCLA), or any other law providing for protection of public health or the environment. [40 CFR 270.4, 270.30(g)]

I.B. PERMIT ACTIONS

I.B.1. Permit Modification, Revocation and Reissuance, and Termination

This Permit may be modified, revoked and reissued, or terminated for cause, as specified in 40 CFR 270.41, 270.42, and 270.43. 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 permit condition. [40 CFR 270.4(a) and 270.30(f)]

I.B.2. Permit Renewal

This Permit may be renewed as specified in 40 CFR 270.30(b) and Permit Condition I.E.2. Review of any application for a Permit renewal shall consider improvements in the state of control and measurement technology, as well as changes in applicable regulations. [40 CFR 270.30(b), HSWA Sec. 212]

I.C. SEVERABILITY

The provisions 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. [40 CFR 124.16(a)]

I.D. DEFINITIONS

For purposes of this Permit, terms used herein shall have the same meaning as those in K.S.A. 65-3430 and K.A.R. 28-31-1 and 28-31-2 and 40 CFR Parts 124, 260, 264, 266, 268, and 270, unless this Permit specifically provides otherwise. When the same word is defined in the Kansas statutes and in the federal regulations and the definitions are not identical, the definition in the Kansas statutes shall control. Where terms are not defined in the regulations or the Permit, 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. "Secretary" means the Secretary of the Kansas Department of Health and Environment, or a designee or authorized representative.

I.E. DUTIES AND REQUIREMENTS

I.E.1. Duty to Comply

The Permittee shall comply with all conditions of this Permit, except to the extent and for the duration such noncompliance is authorized by an emergency Permit. Any Permit noncompliance, other than noncompliance authorized by an emergency Permit, constitutes a violation of RCRA and is grounds for enforcement action; for Permit termination, revocation and reissuance, or modification; or for denial of a Permit renewal application. [40 CFR 270.30(a)]

I.E.2. Duty to Reapply

If the Permittee wishes to continue an activity allowed by this Permit after the expiration date of this Permit, the Permittee shall submit a complete application for a new Permit at least 180 days prior to Permit expiration unless permission for a later submission date has been granted. However, the application for a new Permit must be submitted prior to the expiration date of this Permit. [40 CFR 270.10(h), 270.30(b)]

I.E.3. Permit Expiration

Pursuant to 40 CFR 270.50, this Permit shall be effective for a fixed term not to exceed five years. As long as KDHE is the Permit-issuing authority, this Permit and all conditions herein will remain in effect beyond the Permit's expiration date, if the Permittee has submitted a timely, complete application (see 40 CFR 270.10, 270.13 through 270.23) and, through no fault of the Permittee, the Secretary has not issued a new Permit, as set forth in 40 CFR 270.51.

I.E.4. Need to Halt or Reduce Activity Not a Defense

It shall not be a defense for the Permittee, in an enforcement action that it would have been necessary, to halt or reduce the Permitted activity in order to maintain compliance with the conditions of this Permit. [40 CFR 270.30(c)]

I.E.5. Duty to Mitigate

In the event of noncompliance with 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. [40 CFR 270.30(d)]

I.E.6. 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 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 this Permit. [40 CFR 270.30(e)]

I.E.7. Duty to Provide Information

The Permittee shall furnish to the Secretary, within a reasonable time, any relevant information which the Secretary may request to determine whether cause exists for modifying, revoking and reissuing, or terminating this Permit, or to determine compliance with this Permit. The Permittee shall also furnish to the Secretary, upon request, copies of records required to be kept by this Permit. [40 CFR 264.74(a), 270.30(h)]

I.E.8. Inspection and Entry

Pursuant to [40 CFR 270.30(i)] and K.A.R. 28-31-12, the Permittee shall allow the Secretary, or an authorized representative, upon the presentation of credentials and other documents, as may be required by law, to:

I.E.8.a. 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 this Permit;

I.E.8.b. Have access to and copy, at reasonable times, any records that must be kept under the conditions of this Permit;

I.E.8.c. Inspect and photograph at reasonable times any facilities, equipment (including monitoring and control equipment), practices, or operations regulated or required under this Permit; and

I.E.8.d. Sample or monitor, at reasonable times, for the purposes of assuring Permit compliance or as otherwise authorized by RCRA, any substances or parameters at any location.

I.E.9. Monitoring and Records

I.E.9.a. Samples and measurements taken 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 Secretary. 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, as specified in the Waste Analysis Plan, Permit Attachment 1. [40 CFR 270.30(j)(1)]

I.E.9.b. 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 this Permit, the certification required by 40 CFR 264.73(b)(9), and records of all data used to complete the application for this Permit for a period of at least 3 years from the date of the sample, measurement, report, record, certification, or application. These periods may be extended by request of the Secretary at any time and are automatically extended during the course of any unresolved enforcement action regarding this facility. [40 CFR 264.74(b) and 270.30(j)(2)]

I.E.9.c. Pursuant to 40 CFR 270.30(j)(3), records of monitoring information shall specify:

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

ii. The individuals who performed the sampling or measurements;

iii. The dates analyses were performed;

iv. The individuals who performed the analyses;

v. The analytical techniques or methods used; and

vi. The results of such analyses.

I.E.10. Reporting Planned Changes

The Permittee shall give notice to the Secretary, as soon as possible, of any planned physical alterations or additions to the Permitted facility. [40 CFR 270.30(l)(1)]

I.E.11. Reporting Anticipated Noncompliance

The Permittee shall give advance notice to the Secretary of any planned changes in the permitted facility or activity which may result in noncompliance with permit requirements. [40 CFR 270.30(l)(2)]

I.E.12. Certification of Construction or Modification

The Permittee may not commence treatment of hazardous waste in the modified portion of the facility until the Permittee has submitted to the Secretary, by certified mail or hand delivery, a letter signed by the Permittee and a registered professional engineer stating that the facility has been constructed or modified in compliance with the Permit; and

I.E.12.a. The Secretary has inspected the modified or newly constructed facility and finds it is in compliance with the conditions of the Permit; or

I.E.12.b. The Secretary has either waived the inspection or has not within 15 days notified the Permittee of an intent to inspect. [40 CFR 270.30(l)(2)]

I.E.13. Transfer of Permits

This Permit is not transferable to any person, except after notice to the Secretary. The Secretary may require modification or revocation and reissuance of the 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 this Permit. [40 CFR 270.30(l)(3), 264.12(c)]

I.E.14. Twenty-Four Hour Reporting

I.E.14.a. The Permittee shall report to the Secretary any noncompliance 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:

i. Information concerning release of any hazardous waste that may cause an endangerment to public drinking water supplies.

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

I.E.14.b. The description of the occurrence and its cause shall include:

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

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

iii. Date, time, and type of incident;

iv. Name and quantity of materials involved;

v. The extent of injuries, if any;

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

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

I.E.14.c. A written submission shall also be provided within five 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 anticipated time it is expected to continue; and steps taken or planned to reduce, eliminate, and prevent recurrence of the noncompliance. The Secretary may waive the five-day written notice requirement in favor of a written report within 15 days.
[40 CFR 270.30(l)(6)]

I.E.15. Other Noncompliance

The Permittee shall report all other instances of noncompliance not otherwise required to be reported above, Permit Conditions I.E.10. - 14., at the time monitoring reports are submitted. The reports shall contain the information listed in Permit Condition I.E.14. [40 CFR 270.30(l)(10)]

I.E.16. Other Information

Whenever the Permittee becomes aware that it failed to submit any relevant facts in the Permit application, or submitted incorrect information in a Permit application or in any report to the Secretary, the Permittee shall promptly submit such facts or information. [40 CFR 270.30(l)(11)]

I.E.17. Other Requirement

The Permittee shall defend, indemnify, and hold harmless the State of Kansas, its officers, agents, and employees officially or personally against all actions, claims, demands whatsoever which may arise from or on account of the issuance of this Permit or the construction or maintenance of any facility hereunder.

I.F. SIGNATORY REQUIREMENT

All applications, reports, or information submitted to or requested by the Secretary, his designee, or authorized representative, shall be signed and certified in accordance with 40 CFR 270.11 and 270.30(k).

I.G. REPORTS, NOTIFICATIONS, AND SUBMISSIONS TO THE SECRETARY OR THE REGIONAL ADMINISTRATOR

All reports, notifications, or other submissions which are required by this Permit shall be sent or given to the Secretary or a designee of the Kansas Department of Health and Environment.

I.H. CONFIDENTIAL INFORMATION

In accordance with 40 CFR 270.12, the Permittee may claim confidential any information required to be submitted by this Permit.

I.I. DOCUMENTS TO BE SUBMITTED

I.I.1. The Permittee shall submit the following documents to the Secretary by the dates shown:

Document	Due Date
Trial Burn Reports and Certifications specified in 40 CFR 270.62(b)(7),(8) and (9).	within 90 days of completion of the trial burn

If not addressed in the Trial Burn Reports, the data and information specified in 40 CFR 270.19(c) is to be submitted to demonstrate that diphenylamine will be adequately treated in an incinerator identical to the incinerator unit which is subject to this Permit.

I.I.2. Prior to operation, the Permittee shall submit as-built plans of the incinerator. These plans shall provide detailed drawings and information on the incinerator design and materials of construction and shall include:

I.I.2.a. the exact location of the operational monitors,

I.I.2.b. the drawing of the retort discharge device,

I.I.2.c. the configuration of the storage area at the site of the incinerator,

I.I.2.d. the as-built configuration of the shroud, and

I.I.2.e. the incinerator prove-out schedule specified in Special Provision IV.A.8.

I.I.3. The Permittee must provide notification that a notice in the deed to the property has been filed in accordance with the requirements found at K.A.R. 28-31-8(c) within 30 days of permit issuance.

I.I.4. The Permittee must provide notification that a copy of the final contingency plan has been distributed to all of the local authorities identified in the Contingency Plan located in Appendix G of the Part B permit application within 30 days of permit issuance.

I.J. DOCUMENTS TO BE MAINTAINED AT THE FACILITY

The Permittee shall maintain at the facility, until closure is completed and certified by an independent, registered professional engineer, the following documents and all amendments, revisions and modifications to these documents:

I.J.1. Waste Analysis Plan, as required by 40 CFR 264.13 and this Permit.

I.J.2. Inspection schedules, as required by 40 CFR 264.15(b)(2) and this Permit.

I.J.3. Personnel training documents and records, as required by 40 CFR 264.16(d) and this Permit.

I.J.4. Contingency Plan, as required by 40 CFR 264.53(a) and this Permit.

I.J.5. Operating record, as required by 40 CFR 264.73 and this Permit.

I.J.6. Closure Plan, as required by 40 CFR 264.112(a) and this Permit.

I.J.7. All other documents required by Permit Condition I.E.9.

I.K. AVAILABILITY, RETENTION AND DISPOSITION OF RECORDS (40 CFR 264.74)

I.K.1. The Permittee must furnish all required records, including plans, upon request and will make those records available at all reasonable times for inspection, by any officer, employee or representative of the Department who is duly designated by the Secretary.

I.K.2. Unless otherwise specified, all records and/or copies thereof required to be maintained by terms of this permit will be kept on-site for at least three years.

I.K.3. The retention period for all required records is extended automatically during the course of any unresolved enforcement action regarding the facility or as requested by the Secretary.

I.L. COMPLIANCE

In the event that the incinerator does not attain the performance standard specified in III.B.3. - III.B.6., the Permittee will be required to modify the operation of the unit until a succeeding trial burn documents that the performance standard can be achieved with a set of specific operating conditions. The Permittee will have the option of implementing closure for the incinerator or modifying the waste fed to the incinerator to include waste that will allow the operation to qualify for the exemption found at 40 CFR 264.340. If the exemption or closure is chosen by the Permittee, a permit modification as specified in 40 CFR 270.41 or 270.42 will be required.

SECTION II

GENERAL FACILITY CONDITIONS

II.A. DESIGN AND OPERATION OF FACILITY

The Permittee shall construct, maintain and operate the facility to minimize the possibility of a fire, explosion, or any unplanned, sudden or nonsudden release of hazardous waste constituents to air, soil, or surface water which could threaten human health or the environment, as required by 40 CFR 264.31. This includes adherence to operating conditions and procedures, and emergency shutdown procedures specified in the permit application and this Permit.

II.B. GENERAL WASTE ANALYSIS

The Permittee shall follow the waste analysis procedures required by 40 CFR 264.13, as described in the attached Waste Analysis Plan, Permit Attachment 1.

The Permittee shall verify the analysis of each waste stream annually as part of its quality assurance program, in accordance with Test Methods for Evaluating Solid Waste: Physical/Chemical Methods, EPA Publication SW-846, or equivalent methods approved by the Secretary. At a minimum, the Permittee shall maintain proper functional instruments, use approved sampling and analytical methods, verify the validity of sampling and analytical procedures, and perform correct calculations. If the Permittee uses a contract laboratory to perform analyses, then the Permittee shall inform the laboratory in writing that it must operate under the waste analysis conditions set forth in this Permit.

II.C. SECURITY

The Permittee shall comply with the security provisions of 40 CFR 264.14(b) and (c).

II.C.1. The Permittee must prevent the unknowing entry, and minimize the possibility for unauthorized entry, of persons or livestock onto the active portions of this facility. An artificial or natural barrier which completely surrounds the active portion of the facility and a means to control entry through gates or other entrances to the active portion of the facility must be maintained at all times.

II.C.2. In addition, the Permittee must post signs bearing the legend "Danger - Authorized Personnel Only," at each entrance to the treatment, and storage portions of the facility and at other locations in sufficient numbers to be seen from any approach to each portion of the facility in compliance with 40 CFR 264.14(c). This legend must be written in English and must be legible from a distance of 25 feet.

II.C.3. The Permittee will advise KDHE if unauthorized entry occurred at the facility which caused hazardous waste to be discharged, the nature of problems, if any, that resulted from this occurrence, and corrective action taken by the facility to prevent future happenings. This includes any tampering, destruction or loss at the facility which caused release of hazardous waste.

II.D. GENERAL INSPECTION REQUIREMENTS

The Permittee shall follow the inspection schedule set out in Permit Attachment 2. The Permittee shall remedy any malfunction discovered by an inspection, as required by 40 CFR 264.15(c). Records of inspection shall be kept, as required by 40 CFR 264.15(d).

II.E. PERSONNEL TRAINING

The Permittee shall conduct personnel training, as required by 40 CFR 264.16. This training program shall follow the outline Permit Attachment 3. The Permittee shall maintain training documents and records, as required by 40 CFR 264.16(d) and (e).

II.F. SPECIAL PROVISIONS FOR IGNITABLE, REACTIVE, OR INCOMPATIBLE WASTE

The Permittee shall comply with the requirements of 40 CFR 264.17(a). The Permittee shall follow the procedures for handling ignitable, reactive, and incompatible wastes set forth in the permit application.

II.G. LOCATION STANDARDS

This facility has no units located within the 100 year flood plain. The facility is not located in an area identified in Appendix VI of 40 CFR 264. Hence, no specific location standards apply to this facility.

II.H. PREPAREDNESS AND PREVENTION

II.H.1. Required Equipment

At a minimum, the Permittee shall maintain at the facility the equipment set forth in the Contingency Plan, Permit Attachment 4, as required by 40 CFR 264.32.

II.H.2. Testing and Maintenance of Equipment

The Permittee shall test and maintain the equipment specified in Permit Condition II.H.1, as necessary, to assure its proper operation in time of emergency, as required by 40 CFR 264.33.

II.H.3. Access to Communications or Alarm System

The Permittee shall maintain access to the communications or alarm system, as required by 40 CFR 264.34.

II.H.4. Required Aisle Space

At a minimum, the Permittee shall maintain aisle space, as required by 40 CFR 264.35.

II.H.5. Arrangements with Local Authorities

The Permittee shall maintain arrangements with state and local authorities, as required by 40 CFR 264.37. If state or local officials refuse to enter into preparedness and prevention arrangements with the Permittee, the Permittee must document this refusal in the operating record.

II.I. CONTINGENCY PLAN

II.I.1. Implementation of Plan

The Permittee shall immediately carry out the provisions of the Contingency Plan, Permit Attachment 4, whenever there is a fire, explosion, or release of hazardous waste or constituents which could threaten human health or the environment.

II.I.2. Copies of Plan

The Permittee shall comply with the requirements of 40 CFR 264.53.

II.I.3. Amendments to Plan

The Permittee shall review and immediately amend, if necessary, the Contingency Plan, as required by 40 CFR 264.54.

II.I.4. Emergency Coordinator

A trained emergency coordinator shall be available at all times in case of an emergency, as required by 40 CFR 264.55. The names, addresses, and phone numbers of all persons qualified to act as emergency coordinators shall be supplied to the Secretary as specified in Permit Condition I.G.

II.J. MANIFEST SYSTEM

The Permittee shall comply with the manifest requirements of 40 CFR 264.71, 264.72, and 264.76.

II.K. RECORDKEEPING AND REPORTING

In addition to the recordkeeping and reporting requirements specified elsewhere in this Permit, the Permittee shall do the following:

II.K.1. Operating Record

The Permittee shall maintain a written operating record at the facility, in accordance with 40 CFR 264.73.

II.K.2. Biennial Report

The Permittee shall comply with the biennial reporting requirements of 40 CFR 264.75.

II.L. GENERAL CLOSURE REQUIREMENTS

II.L.1. Performance Standard

The Permittee shall close the facility, as required by 40 CFR 264.111 and in accordance with the Closure Plan, Permit Attachment 5.

II.L.2. Amendment to Closure Plan

The Permittee shall amend the Closure Plan, in accordance with 40 CFR 264.112(c), whenever necessary.

II.L.3. Notification of Closure

The Permittee shall notify the Secretary in writing at least 45 days prior to the date on which closure of the facility is expected to begin, as required by 40 CFR 264.112(d).

II.L.4. Time Allowed For Closure

After receiving the final volume of hazardous waste, the Permittee shall treat, remove from the unit or facility, or dispose of on site all hazardous waste and shall complete closure activities, in accordance with 40 CFR 264.113 and the schedules specified in the Closure Plan, Permit Attachment 5.

II.L.5. Disposal or Decontamination of Equipment, Structures, and Soils

The Permittee shall decontaminate and/or dispose of all contaminated equipment, structures, and soils, as required by 40 CFR 264.114 and the Closure Plan, Permit Attachment 5.

II.L.6. Certification of Closure

The Permittee shall certify that the facility has been closed in accordance with the specifications in the Closure Plan, as required by 40 CFR 264.115.

SECTION III

INCINERATION

III.A. IDENTIFICATION CRITERIA FOR PERMITTED AND PROHIBITED WASTE

Except during the periods specified in the conditions for Short-Term Incineration under the Shakedown Period and the Trial Burn, the Permittee may incinerate the following hazardous wastes, as specified in this Permit and only under the terms of this Permit. The Permittee may only feed the hazardous wastes as identified in Permit Condition III.A. at the facility subject to Permit Conditions III.B. through III.E., and III.G.

III.A.1. The Permittee may incinerate only the following hazardous wastes:

Hazardous Waste No.	Description	Maximum Feed Rate
D003	A solid waste that exhibits the characteristic of explosive reactivity, but is not listed as a hazardous waste in 40 CFR 261, Subpart D.	* (400 lb./hr.)
D008	A representative sample of a solid waste exhibiting the characteristic of EP Toxicity containing lead at a concentration equal to or greater than 5 milligrams per liter.	

(waste feed rate for D008 is included with the D003 rate)

* This feed rate may be altered to reflect results of the trial burn. The feed rate includes the weight resulting from the explosives, only. The weight of explosives fed is not to exceed 6.7 pounds per minute for a total of 400 pounds per hour.

* The weight of military hardware which will be introduced to the incinerator is not included in the feed rate. The combined feed rate can be found in Permit Attachment 6 which is the trial burn plan found in the Permit Application.

III.A.1.a. Wastes may not exist in the form of sludges as defined by 40 CFR 260.10 or as hazardous wastes having the hazardous waste numbers K044, K045 or K046.

III.A.1.b. No liquids containing explosives may be introduced into the incinerator. No lead azide sumpage may be introduced into the incinerator.

III.A.1.c. The total halogen content of any hazardous waste fed to the incinerator may not exceed a feed rate of four pounds per hour.

III.A.1.d. Wastes containing hazardous constituents that are more difficult to destroy than those POHCs successfully demonstrated during the trial burn may not be introduced into the incinerator. The low oxygen thermal stability index or heat of combustion index shall be used to determine the difficulty of destruction ranking of hazardous constituents. The Permittee may, however, provide a demonstration to support a permit modification developed in accordance with the provisions of 40 CFR 270.19 and 270.62. Upon approval by the KDHE, the Permit shall be modified to include the subject waste stream.

III.A.2. Throughout operation, the Permittee shall conduct sufficient analysis in accordance with the Waste Analysis Plan of the Permit Attachment 1, to verify that waste fed to the incinerator is within the physical and chemical composition limits specified in this Permit.

III.B. <u>CONSTRUCTION, INSTRUMENTATION, AND OPERATIONAL PERFORMANCE REQUIREMENTS</u>

III.B.1. The Permittee shall construct and maintain the incinerator, associated air pollution control equipment and monitoring equipment in accordance with the design plans and specifications contained in the Permit Application and the Trial Burn Plan. The Permittee shall not make modifications to the incinerator without prior approval of the KDHE.

The Permittee shall not feed hazardous wastes to the incinerator until Permit Condition I.E.12 (Certification of Construction or Modification) has been complied with.

III.B.2. The Permittee shall install and test all instrumentation in accordance with the design plans, performance specifications, and maintenance procedures contained in the Permit Application prior to treating hazardous wastes in the incinerator unit.

The Permittee shall construct, and maintain the incinerator so that when operated, in accordance with the operating requirements specified in this Permit, it will meet the performance standards specified in Permit Conditions III.B.3. through III.B.6. [40 CFR 264.343]

III.B.3. The incinerator shall achieve a destruction and removal efficiency (DRE) of 99.99 percent for each of the following principal organic hazardous constituents (POHC) for each waste feed. The DRE value shall be determined using the method specified in 40 CFR 264.343(a)(1).

Waste	Test Parameter
M1 Propellant	Particulate Dinitrotoluene (POHC)
M30 Propellant	Particulate Nitroglycerine (POHC)
Black Powder	Particulate
M223 Fuze	Metals/Fugitive Emmissions/ Particulate/ Cyclotrimethylene-trinitramine (POHC)

III.B.4. The Permittee is to select another POHC from the low oxygen stability index or, if no acceptable surrogate can be specified, a technical rationale strategy must be provided.

III.B.5. The Permittee shall not introduce waste that will yield hydrogen chloride (HCl) or any halogen emission at a rate greater than 1.8 kilograms per hour (4 pounds/hour). [40 CFR 264.343(b)]

III.B.6. The incinerator shall not emit particulate matter in excess of 180 milligrams per dry standard cubic meter (0.08 grains per dry standard cubic foot) when corrected for the amount of oxygen in the stack gas, in accordance with the formula specified in 40 CFR 264.343(c). [40 CFR 264.343(c)]

Except during the periods specified in the Permit Conditions for Short-Term Incineration under the Trial Burn Period, the Permittee shall feed the wastes described in Permit Condition III.A.1. to the incinerator only under the following conditions: [40 CFR 264.345]

III.B.7. Carbon monoxide concentration in the stack exhaust gas, monitored as specified in Permit Condition III.D., and corrected to seven percent oxygen in the stack gas, shall not exceed 100 ppm over a one hour rolling average. Oxgen concentrations in the incinerator off gases must be at or exceed three percent.

III.B.8. The Permittee shall be limited to a waste explosive feed rate of 400 lb./hr. as specified in the Permit Application and in accordance with Permit Condition III.A.1.

III.B.9. Kiln combustion temperature, monitored as specified in Permit Condition III.D., shall be maintained at a temperature between 800°F and 900°F at the ash discharge end of the retort. The operating temperature at the feed end of the retort will be maintained at a range of 250°F to 450°F. The operating temperature for the afterburner monitored as specified in Permit Condition III.D. shall be maintained at a temperature between 1200°F and 1850°F.

III.B.10. Combustion gas velocity, monitored as specified in Permit Condition III.D., shall be maintained at a rate between 30 and 50 feet per second.

III.B.11. The mass feed rates of toxic metals to the incinerator shall not exceed*:

Antimony:	0.1	(lb/hr.)	Barium:	17	(lb/hr.)
Lead:	0.031	(lb/hr.)	Chromium:	0.00029	(lb/hr.)
Mercury:	0.1	(lb/hr.)	Beryllium:	0.0014	(lb/hr.)
Silver:	1.0	(lb/hr.)	Cadmium:	0.0019	(lb/hr.)
Thallium:	0.1	(lb/hr.)	Arsenic:	0.0001	(lb/hr.)

* Upon submission of an acceptable modeling by the Permittee based on data from the trial burn, the KDHE may allow higher toxic metal feed rates. The data will be subject to review and limitation by the KDHE's Air Toxics Strategy.

III.B.12. The auxiliary fuel burner, incinerator and associated air pollution control equipment must be operated in accordance with specifications provided by the equipment manufacturer or in accordance with modifications approved by the KDHE.

III.B.13. Pressure drop across the baghouse, monitored as specified in Permit Condition III.D., shall be no less than two inches of water nor greater than six inches of water. The pressure drop across the cyclone shall be no less than two inches of water nor more than five inches of water. The pressure drop across the low temperature gas coolers shall be 2.8 inches of water. The pressure drop across the high temperature gas cooler shall be 3.0 inches of water. All specific pressures monitored as specified in Permit Condition III.D. have the tolerance of plus or minus one half inch of water.

III.B.14. The Permittee shall control fugitive emissions from the combustion zone of the incinerator by maintaining a negative pressure in the primary combustion chamber, monitored as specified in Permit Condition III.D., to be maintained at negative 0.15 to negative 0.25 inches of water. The shroud is to be maintained at a negative pressure of at least 0.1 inches of water. [40 CFR 264.345(d)]

III.B.15. The rotary kiln feed rate has been determined for each waste stream burned at the facility and can be found in Permit Attachment 6. These may be modified upon review of the Trial Burn Reports and Condition III.A.1. of this permit.

III.B.16. The rotary kiln rotation rates may vary from 1.5 to 3 revolutions per minute. The exact rotation rate is waste specific and shall be specified by the facility's standard operating procedures.

III.B.17. The exit temperature of the high temperature gas cooler shall be 850°F or less. The exit temperature of the low temperature gas cooler shall be less than 350°F and greater than 225°F.

III.B.18. The bag house by-pass must be activated during 1) start-up procedures prior to introduction of waste into the incinerator and 2) when the influent baghouse temperature exceeds 350° F. No hazardous waste may be introduced into the incinerator when the baghouse by-pass is activated.

III.B.19. Compliance with the operating conditions specified in Permit Conditions III.B.7. through III.B.18. will be regarded as compliance with the required performance standards in Permit Conditions III.B.3. through III.B.6. However, evidence that compliance with these operating conditions is insufficient to ensure compliance with the performance standards, may justify modification, revocation, or reissuance of the Permit pursuant to 40 CFR 270.41. [40 CFR 264.343(d)]

III.C. INSPECTION REQUIREMENTS

The Permittee shall inspect the incineration unit in accordance with the Inspection Schedule of the permit application, and shall complete the following as part of these inspections:

III.C.1. The Permittee shall thoroughly, visually inspect the incinerator and associated equipment (including pumps, valves, conveyers, pipes, etc.) for leaks, spills, fugitive emissions, and signs of tampering at least daily when operating the incinerator. [40 CFR 264.347(b)]

III.C.2. The Permittee shall thoroughly, visually inspect the instrumentation for out-of-tolerance monitored and/or recorded operational data in accordance with time frames specified in Permit Condition III.D.1.

III.C.3. The Permittee shall test the emergency waste feed cut-off system and associated alarm as specified in Permit Condition III.E.1. at least weekly to verify operability, [40 CFR 264.347(c)]

III.C.4. During start-up and shut-down of the incinerator, hazardous waste must not be introduced into the incinerator unless the incinerator is operating within the conditions specified in Conditions III.B.7 through III.B.18.

III.C.5. The Permittee must control fugitive emissions from the incinerator by maintaining adequate seals on each end of the rotary kiln and the feed ports, by maintaining the shroud over the rotary kiln at a negative pressure and by operating the kiln at a negative pressure. If fugitive emissions are detected from the incinerator, the waste feed cut-off must be activated and waste must not be fed to the incinerator until the situation has been corrected.

III.C.6. The permittee must install, maintain and calibrate the systems described in permit condition III.D.1 to automatically take corrective action at the levels and/or conditions specified when the operating conditions deviate from the limits specified in permit conditions III.B.7 through III.B.18.

III.D. MONITORING REQUIREMENTS.

III.D.1. The Permittee shall maintain, calibrate, and operate monitoring equipment and record the data while incinerating hazardous waste, as specified below:

Parameter, Monitoring Device	Location	Recording Process	Calibration
CO NDIR	Exhaust Stack	Strip Chart and Disk	Frequency 1/Day
O_2 Oxygen Monitor	Exhaust Stack	Strip Chart and Disk	Frequency 1/Day
Temperature Thermocouple	Exhaust Stack	Disk	Annual
Gas Velocity Pitot Tubes	Exhaust Stack	Strip Chart and Disk	Semi-Annual
Pressure Differential Water Gauge	Baghouse	Disk	Semi-Annual
Temperature Thermocouple	Duct After Baghouse	Disk	Annual
Temperature Thermocouple	Duct After Low Temp Cooler	Disk	Annual
Temperature Thermocouple	Duct After High Temp Cooler	Disk	Annual
Temperature Thermocouple	Duct After Afterburner	Disk and Strip Chart	Annual
Pressure Differential Water Gauge	Afterburner	Disk	Annual
Temperature Thermocouple	Duct After Retort	Disk and Strip Chart	Annual
Pressure Water Gauge	Retort	Disk	Annual
Motion Sensor	Primary Conveyor	Disk	N/R

Motion Sensor	Secondary Conveyor	Disk	N/R
Motion Sensor	Discharge Conveyor	Disk	N/R
Motion Sensor	Retort	Disk	N/R
Fuel Flow Meter	Main Fuel Line	Strip Chart and Disk	Semi-Annual
Waste Feed Rate	Waste Feed Conveyor	Disk	Semi-Annual

III.D.2. Upon request by the Secretary, or at least once during the life of the permit, the Permittee shall perform the test required by 40 CFR 264.347(a)(3). The permittee shall notify the Secretary at least 90 days prior to performance of the test and submit the test plan for approval. All testing must be completed 180 days prior to expiration of the permit. The results of the test must be submitted in accordance with 40 CFR 270.62(b)(7), (8), and (9) and must be submitted with any new permit application under Section I.E.2. [40 CFR 264.347(a)(3)]

III.E. WASTE FEED CUT-OFF REQUIREMENTS

III.E.1. The Permittee shall construct and maintain the systems specified below to automatically cut off the hazardous waste feed to the incinerator at the levels specified below. Hazardous wastes shall be fed to the incinerator only when all instruments required by this condition are on line and operating properly.

WASTE FEED CUT OFF

Parameter	Cut Off Limit	Test Frequency
Waste Feed Rate Exceeded	Item Specific (See permit condition III A.1.)	Each cycle
High Temp Retort (ash discharge end)	>900°F	Continuous
Low Temp Retort (ash discharge end)	<800°F	Continuous
Low Shroud Vacuum	<0.10" wg	Continuous
Low Temp Afterburner	<1200°F	Continuous
High Temp Afterburner	>1850°F	Continuous

High Temp Gas Cooler High Temp	>850°F	Continuous
Low Temp Gas Cooler High Temp	>350°F	Continuous
Low Temp Gas Cooler Low Temp	<225°F	Continuous
Baghouse High Temp	>350°F	Continuous
Baghouse Low Temp	<225°F	Continuous
Baghouse Pressure Differential High	>6" wg	Continuous
Baghouse Pressure Differential Low	<2" wg	Continuous
CO	>100 ppm one hour rolling average	Continuous
O_2	>21%	Continuous
O_2	<3%	Continuous
Gas Velocity High	>50 ft/sec	Continuous
Gas Velocity Low	<30 ft/sec	Continuous
Conveyor & Retort Motion Sensors	Loss of motion	Continuous
All Motors	Failure	Continuous
Fuel Rate	Loss of fuel flow	Continuous
Retort Burner Flame Out	Loss of flame	Continuous
Afterburner Flame Out	Loss of flame	Continuous
Controls	Failure of any device	Continuous
Gas Monitor	Failure	Continuous
Waste Feed Monitor	Failure	Continuous
Retort Combustion Air	Failure	Continuous
Retort Burner Controller	Failure	Continuous

Afterburner Burner Controller	Failure	Continuous
Afterburner Propane	Failure	Continuous
Afterburner Combustion Air Failure	Failure	Continuous
Low Temp Gas Cooler Controller	Failure	Continuous
Baghouse Bypass Damper	Open	Continuous
Draft Fan	Failure	Continuous
Draft Fan Controller	Failure	Continuous

All operating conditions are subject to modification following the trial burn in accordance with the provisions of 40 CFR 270.42.

III.E.2. In case of a malfunction of the automatic waste feed cut-off systems, the Permittee shall immediately perform manual waste feed cut-off and shutdown. The Permittee shall not restart the incinerator until the problem causing the malfunction has been located and corrected. All conditions are subject to modification to reflect trial burn results in accordance with 40 CFR 270.42.

III.F. CLOSURE

The Permittee shall follow the procedures in the Closure Plan, in the Permit Attachment 5

III.G. RECORDKEEPING

III.G.1. The Permittee shall record and maintain, in the operating record for this permit, all monitoring and inspection data compiled under the requirements of this Permit (see Permit Condition I.E.9.). [40 CFR 264.73 and 40 CFR 264.347(d)]

III.G.2. The Permittee shall record in the operating record for this permit the date and time of all automatic waste feed cut-offs, including the triggering parameters, reason for the cut-off, and corrective actions taken. The Permittee shall also record all failures of the automatic waste feed cutoffs to function properly and corrective actions taken.

III.H. COMPLIANCE SCHEDULE

III.H.1. The Permittee shall submit the following documents to the Secretary by the dates shown:

Document	Due Date
Trial burn reports and Certifications specified in 40 CFR 270.62(b)(7),(8), and (9)	within ninety days of completion of the trial burn

If not addressed in the Trial Burn Reports, the data and information specified in 40 CFR 270.19(c) must be submitted to demonstrate that diphenylamine will be adequately treated in an incinerator identical to the incinerator unit which is subject to this permit.

III.H.2. Prior to operation, the Permittee shall submit as-built plans of the incinerator. These plans shall provide detailed drawings and information on the incinerator design and materials of construction and shall include:

III.H.2.a. the exact location of the operational monitors;

III.H.2.b. the drawing of the retort discharge device;

III.H.2.c. the configuration of the storage area at the site of the incinerator;

III.H.2.d. the as-built configuration of the shroud; and

III.H.2.e. the incinerator prove-out schedule specified in Permit Condition IV.A.8.

III.I. OPERATING CONDITIONS

During start-up and shut-down of the incinerator, hazardous wastes shall not be introduced into the incinerator unless the incinerator is operating within the conditions specified in this Permit. The afterburner must be brought up to operating conditions before the retort is ignited if shutdown had occurred with waste in the incinerator. [40 CFR 264.345(e)]

The Permittee shall cease waste feed when changes in waste feed or operating conditions exceed limits designated in this Permit. [40 CFR 264.345(f)]

SECTION IV

SHORT-TERM TEST INCINERATION

IV.A. SHAKEDOWN PHASE

During the shakedown phase (the period beginning with the initial introduction of hazardous wastes into the incinerator and ending with the start of the trial burn) the Permittee shall comply with the following conditions:

IV.A.1. DURATION OF THE SHAKEDOWN PHASE

The shakedown phase shall not exceed 720 hours of operation when burning hazardous wastes. [40 CFR 264.344(c)(1)]

IV.A.2. ALLOWABLE WASTE FEED

During the shakedown phase, the Permittee may feed only wastes identified in Permit Condition III.A.1. to the incinerator, at the feed rates specified in the Incinerator Prove-out Schedule

IV.A.3. INSTRUMENTATION AND OPERATIONAL PERFORMANCE REQUIREMENTS

During the shakedown phase, the Permittee shall feed the wastes described in Permit Condition III.A.1. to the incinerator only under the following conditions:

IV.A.3.a. Carbon monoxide concentration in the stack exhaust gas, monitored as specified in Permit Condition IV.A.5., and corrected to seven percent oxygen in the stack gas, shall not exceed 100 ppm over a one hour rolling average.

IV.A.3.b. Combustion temperature, monitored as specified in Permit Condition IV.A.5., shall be maintained between 1200 °F and 1850°F in the afterburner. The temperature at the ash discharge end of the retort shall be maintained at a temperature greater than 800°F and less than 900°F.

IV.A.3.c. Combustion gas velocity, monitored as specified in Permit Condition IV.A.5., shall be less than 50 ft./sec. and greater than 30 ft./sec.

IV.A.3.d. Oxygen aconcentration in the stack gases, monitored as specified in Permit Condition IV.A.5., shall be greater than three percent.

IV.A.3.e. Pressure drop across the baghouse, monitored as specified in Permit Condition IV.A.5., shall be greater than two inches of water, and less than six inches of water.

IV.A.3.f. The Permittee shall control fugitive emissions from the combustion zone of the incinerator by maintaining the pressure in the primary combustion chamber, monitored as specified in Permit Condition IV.A.5., at no less than 0.1 inches of water. [40 CFR 264.345(d)]

IV.A.3.g. Compliance with the operating conditions specified in Permit Conditions IV.A.3.a. through IV.A.3.f. will be regarded as compliance with the required performance standards 40 CFR 264.343 and Permit Condition III.B.3. to III.B.6. However, the Permittee must cease operations if evidence that compliance with these operating conditions is insufficient to ensure compliance with the performance standards. [40 CFR 264.343(d)]

IV.A.4. <u>INSPECTION REQUIREMENTS</u>

The Permittee shall inspect the incineration unit in accordance with the Inspection Schedule of the Permit Application, which includes but is not be limited to the following:

IV.A.4.a. The Permittee shall thoroughly, visually inspect the incinerator and associated equipment (including pumps, valves, conveyors, pipes, etc.) for leaks, spills, fugitive emissions, and signs of tampering at least daily when operating. [40 CFR 264.347(b)]

IV.A.4.b. The Permittee shall thoroughly, visually inspect the instrumentation for out-of-tolerance monitored and/or recorded operational data in accordance with Permit Condition IV.A.7.

IV A.4.c. The Permittee shall test the emergency waste feed cut-off system and associated alarm at least weekly to verify operability, as specified in Permit Condition IV.A.5. [40 CFR 264.347(c)]

IV.A.5. <u>MONITORING REQUIREMENTS</u>

IV.A.5.a. The Permittee shall maintain, calibrate, and operate monitoring equipment and record the data while incinerating hazardous waste, as specified below:

Parameter Monitor Device	Location	Recording Process	Calibration
CO NDIR	Exhaust Stack	Strip Chart and Disk	Frequency 1/Day
O_2 Oxygen Monitor	Exhaust Stack	Strip Chart and Disk	Frequency 1/Day
Temperature Thermocouple	Exhaust Stack	Disk	Annual
Gas Velocity Pitot Tubes	Exhaust Stack	Strip Chart and Disk	Semi-Annual
Pressure Differential Water Gauge	Baghouse	Disk	Semi-Annual
Temperature Termocouple	Duct After Baghouse	Disk	Annual
Temperature Thermocouple	Duct After Low Temp Cooler	Disk	Annual
Temperature Thermocouple	Duct After High Temp Cooler	Disk	Annual
Temperature Thermocouple	Duct After Afterburner	Disk and Strip Chart	Annual
Pressure Differential Water Gauge	Afterburner	Disk	Annual
Temperature Thermocouple	Duct After Retort	Disk	Annual

Pressure Water Gauge	Retort	Disk	Annual
Motion Sensor	Primary Conveyor	Disk	N/R
Motion Sensor	Secondary Conveyor	Disk	N/R
Motion Sensor	Discharge Conveyor	Disk	N/R
Motion Sensor	Retort	Disk	N/R
Fuel Flow Meter	Main Fuel Line	Strip Chart and Disk	Semi-Annual
Waste Feed Rate (See III.A.1)	Waste Feed Monitor	Disk	Semi-Annual

IV.A.6. WASTE FEED CUT-OFF REQUIREMENTS

IV.A.6.a. The Permittee shall construct and maintain the systems specified below to automatically cut off the hazardous waste feed to the incinerator at the levels specified below. Hazardous wastes shall be fed to the incinerator only when all instruments required by this condition are on line and operating properly.

Parameter	Cut Off Limit	Test Frequency
Waste Feed Exceeded	See Permit Condition III.A.1.	Each cycle
High Temp Retort	>900°F	Continuous
High Temp Retort	<800°F	Continuous
Low Temp Retort	<350°F	Continuous
Low Shroud Vacuum	<0.1 wg	Continuous
Low Temp Afterburner	<1200°F	Continuous
High Temp Afterburner	>1850°F	Continuous

High Temp Gas Cooler High Temp	>850°F	Continuous
Low Temp Gas Cooler High Temp	>350°F	Continuous
Low Temp Gas Cooler Low Temp	<225°F	Continuous
Baghouse High Temp	>350°F	Continuous
Baghouse Low Temp	<225°F	Continuous
Baghouse Pressure Differential High	>6" wg	Continuous
Baghouse Pressure Differential Low	<2" wg	Continuous
CO	>100 ppm one hour rolling average	Continuous
O_2	>21%	Continuous
O_2	<3%	Continuous
Gas Velocity High	>50 ft/sec	Continuous
Gas Velocity Low	<30 ft/sec	Continuous
Conveyor & Retort Motion Sensors	Loss of motion	Continuous
All Motors	Failure	Continuous
Fuel Rate	Loss of fuel flow	Continuous
Retort Burner Flame Out	Loss of flame	Continuous
Afterburner Flame Out	Loss of flame	Continuous
Controls	Failure of any device	Continuous
Gas Monitor	Failure	Continuous

Waste Feed Monitor	Failure	Continuous
Retort Combustion Air	Failure	Continuous
Retort Burner Controller	Failure	Continuous
Afterburner Burner Controller	Failure	Continuous
Afterburner Propane	Failure	Continuous
Afterburner Combustion Air	Failure	Continuous
Low Temp Gas Cooler Controller	Failure	Continuous
Baghouse Bypass Damper	Open	Continuous
Draft Fan	Failure	Continuous
Draft Fan Controller	Failure	Continuous

IV A.6.b. In case of a malfunction of the automatic waste feed cut-off systems, the Permittee shall perform manual shut downs in accordance with the approved procedures in the Permit Application. The Permittee shall not restart the incinerator until the problem causing the malfunction has been located and corrected.

IV.A.7. RECORDKEEPING

IV.A.7.a. The Permittee shall record and maintain, in the operating record for this Permit, all monitoring and inspection data compiled under the requirements of this Permit (see Permit Condition I.E.9.). [40 CFR 264.73 and 40 CFR 264.347(d)]

IV.A.7.b. The Permittee shall record in the operating record for this permit the date and time of all automatic waste feed shut-offs, including the triggering parameters, reason for the shut-off, and corrective actions taken. The Permittee shall also record all failures of the automatic waste feed shut-offs to function properly and corrective actions taken.

IV.A.8. The Permittee shall provide the following information to the Secretary:

Item	Date Due to the Secretary
Incinerator Prove-out Schedule *	Due thirty days prior to initiation incinerator operation
Monthly operating record for the incinerator	Due every thirty days until the trial burn whenever hazardous waste are incinerated

* The Incinerator Prove-out Schedule is to specify incrimental increases of waste feed so that no instance of permit noncompliance occurs. It must also provide for immediate notification of the KDHE in the event that Permit Conditions are not being achieved.

IV.B. TRIAL BURN PHASE

IV.B.1. CONFORMITY TO TRIAL BURN PLAN

The Permittee shall operate and monitor the incinerator during the trial burn phase as specified in the Trial Burn Plan in the permit application.

IV.B.2. TRIAL POHCs

The principal organic hazardous constituents (POHCs) for which DREs must be determined are:

Waste Feed	POHC(s)
M1 Propellant	Dinitrotoluene (POHC) Particulate
M30 Propellant	Nitroglycerine (POHC) Particulate
Black Powder	Particulate
M223 Fuze	Metals/Fugitive Emissions/Particulate Cyclotrimethylene trinitramine (POHC)

IV.B.3. TRIAL BURN DETERMINATIONS

During the trial burn (or as soon after the trial burn as practicable), the Permittee shall make the determinations required by 40 CFR 270.62(b)(6)(i)-(ix).

IV.B.4. TRIAL BURN DATA SUBMISSIONS AND CERTIFICATIONS

The Permittee shall submit a copy of all data collected during the trial burn to the Secretary upon completion of the burn. The Permittee shall submit to the Secretary the results of the determinations required by Condition IV.B.3 within ninety (90) days of the completion of the trial burn. All submissions must be certified in accordance with 40 CFR 270.11. [40 CFR 270.62(b)(7) and (9)]

IV.B.5. Authority to Cease Operations

The permitting agency shall have the authority to sample, observe and cease incinerator operation when the KDHE determines that continued operation threatens human health and the environment.

IV.C. POST-TRIAL BURN PHASE

IV.C.1. ALLOWABLE WASTE FEED

During the post trial burn phase which begins with the end of the trial burn and ends when the KDHE provides final permit conditions, the Permittee may feed only wastes that are not defined as hazardous by the provisions of 40 CFR 261 and as further defined in current EPA policy. No hazardous waste may be burned in the incinerator during the post trial burn phase.

SECTION V

CONTAINERS

V.A. UNIT DESCRIPTION

Hazardous waste generated at the installation are stored in a permitted storage area onsite for treatment onsite or disposal offsite at a permitted hazardous waste facility. The permitted storage facilities consist of 18 igloo structures in the 1700, 1900 and 2700 Areas and one magazine located in the 1800 Area. The combined storage capacity is 206,720 gallons in the igloos and 118,800 gallons in the above-ground magazine.

V.B. PERMITTED AND PROHIBITED WASTE IDENTIFICATION

IV.B.1. The Permittee may store the following wastes in containers at the facility, subject to the terms of this Permit and as follows:

EPA HAZARDOUS WASTE NO.	DESCRIPTION
F001	The following spent halogenated solvents used in degreasing: trichloroethylene, methylene chloride, 1,1,1-trichloroethane, carbon tetrachloride, and chlorinated fluorocarbons; all spent solvent mixtures/blends used in degreasing containing, before use, a total of ten percent or more (by volume) of one or more of the above halogenated solvents or those solvents listed in F002, F004, and F005, and still bottoms from the recovery of these spent solvents and spent solvent mixtures.

F002	The following spent halogenated solvents: tetrachloroethylene, methylene chloride, trichloroethylene, 1,1,1-trichloroethane, chlorobenzene, 1,1,2-trichloro-1,2,2-trifluoroethane, ortho-dichlorobenzene, trichlorofluoromethane, and 1,1,2-trichloroethane; all spent solvent mixtures/blends containing, before use, a total of ten percent or more (by volume) of one or more of the above halogenated solvents or those listed in F001, F004, or F005; and still bottoms from the recovery of these spent solvents and spent solvent mixtures.
F003	The following spent non-halogenated solvents: xylene, acetone, ethyl acetate, ethyl benzene, ethyl ether, methyl isobutyl ketone, n-butyl alcohol, cyclohexanone, and methanol; all spent solvent mixtures/blends containing before use, only the above spent non-halogenated solvents; and all spent solvent mixtures/blends containing, before use, one or more of the above non-halogenated solvents, and, a total of ten percent or more (by volume) of one or more of these solvents listed in F001, F002, F004, and F005; and still bottoms from the recovery of these spent solvents and spent solvent mixtures.

F005	The following spent non-halogenated solvents: toluene, methyl ethyl ketone, carbon disulfide, isobutanol, pyridine, benzene, 2-ethoxyethanol, and 2-nitropropane; all spent solvent mixtures/blends containing, before use, a total of ten percent or more (by volume) of one or more of the above non-halogenated solvents or those solvents listed in F001, F002, and F004; and still bottoms from the recovery of these spent solvents and spent solvent mixtures.
D001	A solid waste that exhibits the characteristic of ignitability, but is not listed as a hazardous waste in 40 CFR Part 261, Subpart D.
D002	A solid waste that exhibits the characteristic of corrosivity, but is not listed as a hazardous waste in 40 CFR Part 261, Subpart D.
D003	A solid waste that exhibits the characteristic of reactivity, but is not listed as a hazardous waste in 40 CFR Part 261, Subpart D.
D005	A representative sample of a solid waste exhibiting the characteristic of EP Toxicity containing barium at a concentration equal to or greater than 100 milligrams per liter.
D006	A representative sample of a solid waste exhibiting the characteristic of EP Toxicity containing cadmium at a concentration equal to or greater than 1 milligram per liter.

D007	A representative sample of a solid waste exhibiting the characteristic of EP Toxicity containing chromium at a concentration equal to or greater than 5 milligrams per liter.
D008	A representative sample of a solid waste exhibiting the characteristic of EP Toxicity containing lead at a concentration equal to or greater than 5 milligrams per liter.
D009	A representative sample of a solid waste exhibiting the characteristic of EP Toxicity containing mercury at a concentration equal to or greater than 0.2 milligrams per liter.
D011	A representative sample of a solid waste exhibiting the characteristic of EP Toxicity containing silver at a concentration equal to or greater than 5 milligrams per liter.
K044	Wastewater treatment sludges from the manufacture and processing of explosives.
K045	Spent carbon from the treatment of wastewater containing explosives.
K046	Wastewater treatment sludges from the manufacturing, formulation and loading of lead-based initiating compounds.
K047	Pink/red water from TNT operations.
U036	Chlordane
U122	Formaldehyde
U132	Hexachlorophene

V.B.2. The Permittee is prohibited from storing hazardous waste that is not identified in Permit Condition V.B.1.

V.C. CONDITION OF CONTAINERS

If a container holding hazardous waste is not in good condition (e.g., severe rusting, apparent structural defects) or if it begins to leak, the Permittee shall transfer the hazardous waste from such container to a container that is in good condition or otherwise manage the waste in compliance with the conditions of this Permit. [40 CFR 264.171]

V.D. COMPATIBILITY OF WASTE WITH CONTAINERS

The Permittee shall assure that the ability of the container to contain the waste is not impaired, as required. [40 CFR 264.172]

V.E. MANAGEMENT OF CONTAINERS

The Permittee shall keep all containers closed during storage, except when it is necessary to add or remove waste, and shall not open, handle, or store containers in a manner which may rupture the container or cause it to leak. [40 CFR 264.173]

V.F. CONTAINMENT SYSTEMS

The Permittee shall maintain the containment system in accordance with the attached plans and specifications, contained in the permit application. [40 CFR 264.175]

V.G. INSPECTION SCHEDULES AND PROCEDURES

The Permittee shall inspect the container area weekly, in accordance with the Inspection Schedule in the Permit Attachment 2 to detect leaking containers and deterioration of containers and the containment system caused by corrosion and other factors. [40 CFR 264.174]

V.H. RECORDKEEPING
The Permittee shall place the results of all waste analyses and trial tests and any other documentation used to demonstrate compliance with the requirements of Permit Conditions V.B.1. and V.B.2. and 40 CFR 264.17(b) and 264.177 in the facility operating record. [40 CFR 264.73]

V.I. CLOSURE

At closure of the container area, the Permittee shall remove all hazardous waste and hazardous waste residues from the containment system, in accordance with the procedures in the Closure Plan in the Permit Attachment 5. [40 CFR 264.178]

V.J. SPECIAL CONTAINER PROVISIONS FOR IGNITABLE OR REACTIVE WASTE

V.J.1. The Permittee shall not locate containers holding ignitable or reactive waste within 15 meters (50 feet) of the facility's property line. [40 CFR 264.176]

V.J.2. The Permittee shall take precautions to prevent accidental ignition or reaction of ignitable or reactive waste and follow the procedures specified in the attached permit application. [40 CFR 264.17(a) and 264.176]

V.K. SPECIAL CONTAINER PROVISIONS FOR INCOMPATIBLE WASTE

V.K.1. The Permittee shall not place incompatible wastes, or incompatible wastes and materials, in the same container unless the procedures in the permit application are followed. [40 CFR 264.177(a)]

V.K.2. The Permittee shall not place hazardous waste in an unwashed container that previously held an incompatible waste or material. [40 CFR 264.177(b)]

V.K.3. The Permittee shall separate containers of incompatible wastes. [40 CFR 264.177(c)]

EPA AUTHORIZATION UNDER THE HAZARDOUS AND SOLID WASTE AMENDMENTS OF 1984

Pursuant to Section 227 of the Hazardous and Solid Waste Amendments of 1984 (hereinafter "HSWA") EPA is granted authority to issue or deny permits for those portions of permits affected by the requirements established by HSWA. By this authority and pursuant to Sections 3002(b) and 3004(u) of the Resource Conservation and Recovery Act (RCRA) as amended HSWA, 42 U.S.C. §6922(b) and 42 U.S.C. §6924(u), EPA hereby grants to Kansas Army Ammunition Plant, EPA ID Number KS0213820467, permission to perform investigation activities at their facility located east of Parsons, Kansas.

This permit addresses the corrective action requirement for solid waste management units as administered and enforced by EPA. Applicable regulations are found in 40 CFR Parts 260 through 264, 270, and 124, as specified in this permit. Further, this permit incorporates by reference those conditions specified in the Standard Permit Conditions section of the KDHE permit attached hereto.

This permit shall become effective at **Midnight on November 7, 1989**, and shall remain in effect until **November 7, 1994**, unless revoked and reissued, terminated (40 CFR 270.41 and 270.43) or continued in accordance with 40 CFR 270.51.

Done at Kansas City, Kansas, this 6th day of November, 1989.

David A. Wagoner
Director, Waste Management Division

SECTION VI

HAZARDOUS AND SOLID WASTE AMENDMENTS (HSWA) PERMIT

CORRECTIVE ACTION FOR SOLID WASTE MANAGEMENT UNITS

1. **SUMMARY OF RFA FINDINGS/RESULTS**

Following is a list of the specific solid waste management units (SWMUs) identified as a result of the RFA.

a. Building 112 Sump, Ditch and Oxidation Pond
b. Oil and Water Separator at Area 200
c. Oil Land Farm at Area 200
d. Building 314 Waste Oil Storage Tank
e. Area 300 (3) Sumps, Ditches, Pink Water Ditches, and (2) Oxidation Ponds
f. Area 500 (5) Sumps and Ditches
g. Area 800 (2) Sumps, Ditches and Oxidation Pond
h. Area 900 (5) Sumps, Ditches, Pink Water Ditches and (3) Oxidation Ponds
i. Area 1000 (5) Sumps, Ditches, Pink Water Ditches and (3) Oxidation Ponds
j. Area 1100 (7) Sumps, Ditches and Oxidation Pond
k. Open Burning Pads Numbered 1, 2, 3, and 4
l. Classification Area at Area 100 by Gate 3
m. Closed Landfill near the Quarry
n. Closed Landfill and Refuse Burn Pits near Area 200
o. Current Landfill with Asbestos and Grenade Disposal Area
p. Closed Landfill near the Open Detonation Area
q. Open Detonation Field
r. Waste Water Sludge Drying Beds
s. Coal Pile Run-off Catchment Device and Associated Ditches
t. Explosive Waste Incinerator
u. Container Storage Units
v. Contaminated Waste Processor

Solid Waste Management Units with documented releases include:

a. Burning Cages 14, 17 and 22
b. Open Burning Pads 5 and 6
c. Area 700 Sumps, Ditches and (2) Oxidation Ponds

The specifying of each waste management unit on the lists above will serve only to identify units that need additional activities. The additional activities are specified below.

2. DEFINITIONS

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

"Area" means those locations or units identified as "areas" by the Permittee and indicated on the attached topographic map.

"Facility" means all contiguous land and structures, other appurtenances, and improvements on the land, used for treating, storing, or disposing of hazardous waste and under control of the owner or operator seeking a permit for that property under Subtitle C of RCRA. A facility may consist of several treatment, storage, or disposal operational units.

"Hazardous constituent" means any constituent identified in Appendix VIII of 40 CFR Part 261 where analytical methods exist, or any constituent identified in Appendix IX of 40 CFR Part 264.

"Hazardous Waste" means a solid waste, or combination of solid wastes, which because of its quantity, concentration, or physical, chemical, or infectious characteristics may cause, or significantly contribute to, an increase in mortality or an increase in serious irreversible, or incapacitating reversible, illness; or pose a substantial present or potential hazard to human health or the environment when improperly treated, stored, transported, or disposed of, or otherwise managed. The term hazardous waste includes hazardous constituent as defined above.

"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 or hazardous constituents).

"Quarterly Reporting Schedule" means the submission of reports for the three month period preceding January 1, April 1, July 1, and October 1 with the reports due January 30, April 30, July 30, and October 30, respectively.

"Solid waste management unit (SWMUs)" 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. One time spills which are cleaned up are not SWMUs.

3. **STANDARD CONDITIONS**

A. Section 3004(u) of RCRA, as amended by HSWA, and 40 CFR 264.101 require that permits issued after November 8, 1984, address corrective action for releases of hazardous wastes including hazardous constituents from any solid waste management unit (SWMU) at the facility, regardless of when the waste was placed in the unit.

B. Failure to submit the information required in this Corrective Action Schedule of Compliance, or misrepresentation or failure to disclose all relevant facts, is grounds for termination of this permit (40 CFR 270.43), civil penalty or both. The Permittee shall ensure that all plans, reports, notifications, and other submissions to the Regional Administrator required in this Corrective Action Schedule of Compliance are signed and certified in Accordance with 40 CFR 270.11. Three copies of these plans, reports, notifications or other submissions shall be submitted to the Regional Administrator and sent by certified mail or hand delivered to:

RCRA Branch Chief
U.S. Environmental Protection Agency
Region VII
726 Minnesota Avenue
Kansas City, Kansas 66101
913/236-2930

C. All plans and schedules required by the conditions of this Corrective Action Schedule of Compliance are, upon approval of the Regional Administrator, incorporated into this Schedule of Compliance by reference and become an enforceable part of this permit. Any noncompliance with such approved plans and schedules shall be deemed noncompliance with this permit. Extensions of the due dates for submittals may be granted by the Regional Administrator.

D. If the Regional Administrator determines that further actions beyond those provided in this Corrective Action Schedule of Compliance, or changes to that which is stated herein, are warranted, the Regional Administrator may modify the Schedule of Compliance according to procedures in Section VI.17 of this permit.

E. 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 this Corrective Action Schedule of Compliance shall be maintained at the facility [or other location approved by the Regional Administrator] during the term of this permit, including the terms of any reissued permits.

F. KAAP shall seek sufficient funding through the Department of Defense budgetary process to fulfill its obligations under Section VI of this permit, such that all obligations shall be fully funded. If necessary, KAAP shall seek new authorizations from Congress to achieve the most expeditious schedule of compliance in accordance with Sections 1-4 and 1-5 of Executive Order 12088 as implemented by the Office of Management and Budget Circular A-106 (as amended). Failure to obtain adequate funds or appropriations does not in any way release KAAP or the Department of the Army from its obligation to comply with Section VI of this permit. However, no provision of Section VI will be interpreted to require obligation or payment of funds in violation of the Anti-Deficiency Act, 31 USC 1341. In cases where payment or obligation of funds would constitute a violation of the Anti-Deficiency Act, the dates established requiring the payment or obligation of such funds will be appropriately adjusted. However, the obligation shall not otherwise be affected.

4. **REPORTING REQUIREMENTS**

A. The Permittee shall submit to the Regional Administrator signed quarterly progress reports of all activities (i.e., SWMU Assessment, Interim Measures, RCRA Facility Investigation, Corrective Measures Study) in accordance with the Quarterly Reporting Schedule. These reports shall contain:

1. A description of the work completed;

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

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

4. Projected work for the next reporting period.

B. Copies of other reports (e.g., inspection reports), drilling logs and laboratory data shall be made available to the Regional Administrator upon request.

C. As specified under permit Condition VI.3.D, the Regional Administrator may require the Permittee to conduct new or more extensive assessments, investigations, or studies, as needed, based on information provided in these progress reports or other supporting information.

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

A. The Permittee shall notify the Regional Administrator in writing of any newly-identified SWMU(s) (i.e., a unit not specifically identified during the RFA), discovered during the course of ground water monitoring, field investigations, environmental audits, or other means, no later than ten (10) working days after discovery.

B. After such notification, the Regional Administrator may request, in writing that the Permittee prepare a Solid Waste Management Unit (SWMU) Assessment Plan and a proposed schedule of implementation and completion of the Plan for any additional SWMU(s) discovered subsequent to the issuance of this permit.

C. Within one hundred eighty (180) calendar days after receipt of the Regional Administrator's request for a SWMU Assessment Plan, the Permittee shall prepare a SWMU Assessment Plan and a proposed schedule for implementation for determining past and present operations at the unit, as well as any sampling and analysis of ground water, 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, is likely to have occurred, or is likely to occur. The SWMU Assessment Plan must demonstrate that the sampling and analysis program, if applicable, is capable of yielding representative samples and must include parameters sufficient to identify migration of hazardous waste including hazardous constituents from newly discovered SWMU(s) to the environment.

D. After the Permittee submits the SWMU Assessment Plan, the Regional Administrator shall either approve or disapprove the Plan in writing.

If the Regional Administrator approves the Plan, the Permittee shall begin to implement the Plan in accordance with the schedule contained therein.

If the Regional Administrator disapproves the Plan, the Regional Adminstrator will notify the Permittee in writing of the plan's deficiencies and specify a due date for submittal of a revised plan.

E. The Permittee shall submit a SWMU Assessment Report to the Regional Administrator in accordance with the schedule specified in the approved SWMU Assessment Plan. The SWMU Assessment Report shall describe all results obtained from the implementation of the approved SWMU Assessment Plan. At a minimum, the Report shall provide the following information for each newly-identified SWMU:

1. The location of the newly-identified SWMU on the topographic map;

2. The type and function of the unit;

3. The general dimensions, capacities, and structural description of the unit (supply any available drawings);

4. The period during which the unit was operated;

5. The specifics on all wastes that have been or are being managed at the SWMU, to the extent available; and

6. The results of any sampling and analysis required for the purpose of determining whether releases of hazardous wastes including hazardous constituents have occurred, or are occurring.

F. Based on the results of this Report, the Regional Administrator shall determine the need for further investigations at specific unit(s) covered in the SWMU Assessment. If the Regional Administrator determines that such investigations are needed, the Regional Administrator may require the Permittee to prepare a plan for such investigations. This plan will be reviewed for approval as part of the RFI Workplan under permit Condition VI.7.C of this Corrective Action Schedule of Compliance.

6. NOTIFICATION REQUIREMENTS FOR NEWLY-DISCOVERED RELEASES AT SWMUS

The Permittee shall notify the Regional Administrator, in writing, of any release(s) of hazardous waste including hazardous constituents discovered during the course of ground-water monitoring, field investigation, environmental auditing, or other activities undertaken after the commencement of the RFI, no later than ten (10) working days after discovery. Such newly-discovered releases may be from newly-identified units, from units for which, based on the findings of the RFA, the Regional Administrator had previously determined that no further investigation was necessary, or from units investigated as part of the RFI. The Regional Administrator may require further investigation of the newly-identified release(s). A plan for such investigation will be reviewed for approval as part of the RFI Workplan under permit Condition VI.7.C.

7. RCRA FACILITY INVESTIGATION (RFI) WORKPLAN

A. On or before one hundred eighty (180) calendar days after the effective date of this permit, the Permittee shall submit a Workplan to the Regional Administrator to address those units, releases of hazardous waste including hazardous constituents, and media of concern which, based on the results of the RFA, require further investigation.

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

2. In addition, the Workplan shall discuss sampling and data collection quality assurance and data management procedures, including formats for documenting and tracking data and other results of investigations, and health and safety procedures.

B. After the Permittee submits the Workplan, the Regional Administrator will either approve or disapprove the Workplan in writing.

If the Regional Administrator disapproves the Plan, the Regional Adminstrator will notify the Permittee in writing of the plan's deficiencies, or modify the Plan and specify a due date for submittal of a revised plan.

C. The Regional Administrator shall review for approval as an amendment to or a modification of part of the RFI Workplan any plans developed pursuant to permit Condition VI.5.F, addressing further investigations of newly-identified SWMUs, or Section VI.6, addressing new releases from previously-identified units. The Regional Administrator shall modify the Schedule of Compliance to incorporate these units and releases into the RFI Workplan.

8. RCRA FACILITY INVESTIGATION WORKPLAN IMPLEMENTATION

After the Permittee has received written approval from the Regional Administrator for the RFI Workplan, the Permittee shall begin implementation of the RCRA Facility Investigation according to the schedules specified in the RFI Workplan. Pursuant to permit Condition VI.3.C, the RFI shall be conducted in accordance with the approved RFI Workplan.

9. RCRA FACILITY INVESTIGATION FINAL REPORT AND SUMMARY REPORT

A. Within one hundred eighty (180) calendar days after the completion of the RFI, the Permittee shall submit an RFI Final Report and Summary Report. The RFI Report shall describe the procedures, methods, and results of all facility investigations of SWMUs and their releases, including information on the type and extent of contamination at the facility, sources and migration pathways, and actual or potential receptors. The RFI Final Report shall present all information gathered under the approved RFI Workplan. The Final Report must contain adequate information to support further corrective action decisions at the facility. The report shall recommend a priority scheme for corrective action at all units. The Summary Report shall describe more briefly the procedures, methods, and results of the RFI.

B. After the Permittee submits the RFI Final Report and Summary Report, the Regional Administrator shall either approve or disapprove the Reports in writing.

If the Regional Administrator approves the RFI Report and Summary Report, the Permittee shall mail the approved Summary Report to all individuals on the facility mailing list established pursuant to 40 CFR 124.10(c)(1)(viii), within thirty (30) calendar days of receipt of approval.

If the Regional Administrator determines the RFI Final Report and Summary Report do not fully detail the objectives stated under permit Condition VI.7.A, the Regional Administrator may disapprove the RFI Final Report and Summary Report. If the Regional Administrator disapproves the Reports, the Regional Administrator shall notify the Permittee in writing of the Reports' deficiencies and specify a due date for submittal of a revised Final and Summary Report.

10. **INTERIM MEASURES**

A. The following specific interim measures have been identified by the Regional Administrator and have been developed consistent with the provisions of 40 CFR 271. The Permittee shall begin or continue to implement all corrective action in accordance with the schedule contained in the order negotiated by Kansas Army Ammunition Plant and the Kansas Department of Health and Environment. No portion of this permit is to set aside any provision of the order or modify any provision of the order issued by the State of Kansas.

11. CORRECTIVE MEASURES STUDY (CMS) PLAN

A. If the Regional Administrator has reason to believe a SWMU has released hazardous constituents in concentrations that threaten human health and the environment, given site-specific exposure conditions, the Regional Administrator shall notify the Permittee in writing that a corrective measures study plan is required. This notice shall identify the hazardous constituent(s) of concern which have been determined to threaten human health and the environment given site-specific exposure conditions. The notification may also specify remedial alternatives to be evaluated by the Permittee during the CMS.

B. The Permittee shall submit a CMS Plan for approval to the Regional Administrator within one hundred eighty (180) calendar days from the Regional Administrator's 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 overall objectives of the study including a proposal for reduction of the risks associated with any residual contaminant concentrations to levels that EPA may deem acceptable taking into consideration health-based and environmental standards.

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

4. The schedules for conducting the study; and

5. The proposed format for the presentation of information.

The Regional Administrator will review the CMS plan and notify the Permittee of his decision in writing. The Regional Administrator will either:

1. Approve the CMS plan as prepared by the permittee; or

2. Disapprove the CMS plan and require resubmittal;, or

3. Approve the CMS plan with modifications the Regional Administrator deems necessary to achieve completion the tasks specified above.

C. If the Regional Administrator disapproves the CMS Plan, the Regional Administrator shall notify the Permittee in writing of the Plan's deficiencies and specify a due date for submittal of a revised Plan.

D. Approval of the CMS plan shall not preclude the Regional Administrator from requiring continued or periodic monitoring of air, soil, ground water, or surface water, when site-specific circumstances indicate that releases of hazardous wastes including hazardous constituents may occur in the future.

E. Approval of the CMS plan shall not preclude the Regional Administrator from requiring further investigations, studies, or remediation at a later date, if new information or subsequent analysis indicates a release or likelihood of a release from a SWMU at the facility is likely to pose a threat to human health or the environment. In such a case, the Regional Administrator shall initiate either a modification to the Corrective Action Schedule of Compliance according to procedures in Section VI.17 of this permit, or a major permit modification according to 40 CFR 270.41.

12. **Corrective Measures Study Implementation**

No later than sixty (60) calendar days after the Permittee has received written approval from the Regional Administrator for the CMS Plan, the Permittee shall begin to implement the Corrective Measures Study according to the schedules specified in the CMS Plan. Pursuant to permit Condition VI.3.C, the CMS shall be conducted in accordance with the approved Plan.

13. CORRECTIVE MEASURES STUDY FINAL REPORT

A. In accordance with the quarterly reporting schedule or within sixty (60) calendar days after the completion of the CMS, which ever is later, the permittee shall submit a CMS Final Report. The CMS Final Report shall summarize the results of the investigations for each remedy studied and of any bench-scale or pilot tests conducted. The CMS Report must include an evaluation of each remedial alternative. The CMS Report shall present all information gathered under the approved CMS Plan. The final report must contain adequate information to support the Regional Administrator in the remedy selection decision making process, described under Section VI.15 of the Corrective Action Schedule of Compliance.

B. If the Regional Administrator determines that the CMS Final Report does not fully satisfy the information requirements specified under Permit Condition VI.11.B, the Regional Administrator may disapprove the CMS Final Report. If the Regional Administrator disapproves the CMS Final Report, the Regional Administrator shall notify the Permittee in writing of deficiencies in the Report and specify a due date for submittal of a revised Final Report within thirty (30) calendar days after notification.

C. As specified under Permit Condition VI.3.D, based on preliminary results and the CMS Final Report, the Regional Administrator may require the Permittee to evaluate additional remedies or particular elements of one or more proposed remedies.

14. REMEDY SELECTION

A. Based on the results of the CMS and any further evaluations of additional remedies under this study, the Regional Administrator shall select a remedy from the remedial alternatives evaluated in the CMS that will (1) be protective of human health and the environment; (2) reduce the residual concentrations of hazardous constituents in each medium; (3) 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 (4) meet all applicable waste management requirements.

15. PERMIT MODIFICATION FOR REMEDY

A. Based on information the Permittee submits in the RFI Final and Summary Reports, the CMS Final Report, and other information, the Regional Administrator will select a remedy and initiate a permit modification to this permit.

16. MODIFICATION OF THE CORRECTIVE ACTION SCHEDULE OF COMPLIANCE

A. If at any time modification of the Corrective Action Schedule of Compliance is necessary, the Regional Administrator may initiate a modification to the Schedule of Compliance. The Regional Administrator will initiate a modification by:

1. Notifying the Permittee in writing of the proposed modification and the date by which comments on the proposed modification must be received; and

2. Publishing a notice of the proposed modification in a locally distributed newspaper, mail a notice to all persons on the facility mailing list maintained according to 40 CFR 124.10(c)(1)(viii), and place a notice in the facility's information repository (i.e., a central source of all pertinent documents concerning the remedial action, usually maintained at the facility or some other public place, such as a public library, that is accessible to the public) if one is required.

a. If the Regional Administrator receives no written comment on the proposed modification, the modification shall become effective five (5) calendar days after the close of the comment period.

b. If the Regional Administrator receives written comment on the proposed modification, the Regional Administrator shall make a final determination concerning the compliance schedule modification.

3. Notifing the Permittee in writing of the final decision.

a. If no written comment was received, the Regional Administrator shall notify individuals on the facility mailing list in writing that the modification has become effective and shall place a copy of the modified Corrective Action Schedule of Compliance in the information repository, if a repository is required for the facility.

b. If written comment was received, the Regional Administrator shall provide notice of the final modification decision in a locally distributed newspaper and place a copy of the modified Corrective Action Schedule of Compliance in the information repository, if a repository is required for the facility.

B. Modifications to the Corrective Action Schedule of Compliance do not constitute a reissuance of the permit.

17. DISPUTE RESOLUTION

A. If the Permittee disagrees, in whole or in part, the Permittee shall notify EPA in writing of his objections and basis, therefore, within ten (10) calendar days of receipt of EPA's disapproval, decision or directive. Said notice shall set forth the specific points of the dispute, the position the Permittee is maintaining should be adopted as consistent with the requirements of this permit, the factual and legal basis for the Permittee's position, and all matters it considers necessary for EPA's determination. EPA and the permittee shall then have an additional thirty (30) days from EPA's receipt of the permittee's objection to attempt to resolve the dispute. If agreement is reached, the resolution shall be reduced to writing, signed by representatives of each party and become either an amendment to or a modification of this permit. If the parties are unable to reach agreement within this 30-day period, the matter will be submitted to the Regional Administrator or representative of the Regional Administrator for resolution. The resolution shall then be incorporated into this permit.

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 this permit during pendency of the dispute resolution process.

18. INSPECTION AND ENTRY

In accordance with 40 CFR 270.30(i) the Permittee shall allow the EPA Regional Administrator or an authorized representative, upon the presentation of credentials and other documents as may be required by law to:

A. Enter at reasonable times upon the Permittees premises where a regulated activity is located or where records must be kept under the conditions of this permit.

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

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

D. Sample or monitor, at reasonable times, for the purposes of assuring permit compliance or as otherwise authorized by RCRA, any substance or parameter at any location.

Such entry, inspection, sampling and monitoring will be conducted in a manner that minimizes interference with production operations.

19. OTHER AUTHORITIES

No provision of this permit shall be construed to set aside the provisions of any other federal, state, or local regulation. If any provision of this permit conflicts with any regulation or administrative proceeding based on the regulations, the permittee shall bring the apparent conflict to the attention of the Regional Administrator for resolution. The permittee shall provide the requested notice by certified mail to the address specified in Section 3 of this permit.