SECTION I—STANDARD PERMIT CONDITIONS

I.A EFFECT OF PERMIT

You are hereby allowed to manage hazardous waste at Lone Star Industries Inc., Greencastle Waste-Derived Fuel Facility (facility) in accordance with this permit. Under this permit, the treatment of RCRA hazardous waste must comply with all BIF standards and all other terms and conditions in this permit. (Other aspects of the storage of RCRA hazardous wastes in containers, tanks, etc., are subject to the conditions in the State-issued portion of the RCRA permit.)

Subject to 40 CFR § 270.4, compliance with the RCRA permit during its term generally constitutes compliance, for purposes of enforcement, with Subtitle C of RCRA except for those requirements not included in the permit which become effective by statute.

This permit does not: (1) convey any property rights or any exclusive privilege; (2) authorize any injury to persons or property, or invasion of other private rights; or (3) authorize 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: (1) Sections 3008(a), 3008(h), 3013, or 7003 of RCRA; (2) Sections 104, 106(a), or 107 of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980, 42 USC §§ 9601 *et seq.* (commonly known as CERCLA); or (3) any other law protecting public health or the environment from any imminent and substantial endangerment to human health, welfare, or the environment.
(40 CFR §§ 270.4 and 270.30(g))

I.B PERMIT ACTIONS

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

The U.S. EPA may review, modify, or revoke and reissue this permit, or terminate it for cause, as specified in 40 CFR § 270.41, § 270.42, and § 270.43. The U.S. EPA may also review and modify this permit, consistent with 40 CFR § 270.41, to include any terms and conditions it determines are necessary to protect human health and the environment under Section 3005(c)(3) of RCRA. The filing of a request for a permit modification, revocation and reissuance, or termination, or a notification of planned changes or anticipated noncompliance on your part will not stay the applicability or enforceability of any permit condition. (40 CFR § 270.30(f))

You may request a modification of this permit under the procedures specified in 40 CFR § 270.42. You must not perform any construction associated with a Class 3 permit modification request until such modification request is granted and the modification becomes effective. You may perform construction associated with a Class 2 permit

modification request beginning 60 days after submission of the request unless the Director establishes a later date. (40 CFR §§ 270.42(b)(8) and 270.42(c))

I.B.2 Permit Renewal

This permit may be renewed as specified in 40 CFR § 270.30(b) and Section I.E.2 of this permit. In reviewing any application for a permit renewal, the U.S. EPA will consider improvements in the state of control and measurement technology, and changes in applicable regulations. (40 CFR § 270.30(b) and RCRA Section 3005(c)(3))

I.C SEVERABILITY

This permit's provisions are severable; if any permit provision, or the application of any permit provision to any circumstance, is held invalid, such provision's application to other circumstances and the remainder of this permit will not be affected. Invalidation of any statutory or regulatory provision on which any condition of this permit is based does not affect the validity of any other statutory or regulatory basis for that condition. (40 CFR § 124.16(a))

I.D DEFINITIONS

The terms used in this permit will have the same meaning as in 40 CFR Parts 124, 260 through 266, 268 and 270, unless this permit specifically provides otherwise. Where neither the regulations nor the permit define a term, the term's definition will be the standard dictionary definition or its generally accepted scientific or industrial meaning.

I.E DUTIES AND REQUIREMENTS

1.E.1 Duty to Comply

You must comply with all conditions of this permit, except to the extent and for the duration for which an emergency permit authorizes such noncompliance (40 CFR § 270.61). Any permit noncompliance, except under the terms of an emergency permit, constitutes a violation of RCRA and will be grounds for: enforcement action; permit termination, revocation and reissuance, or modification; or denial of a permit renewal application. (40 CFR § 270.30(a))

I.E.2 Duty to Reapply

If you wish to continue an activity this permit regulates after its expiration date, you must apply for and obtain a new permit. You must submit a complete application for a new permit at least 180 days before the permit expires, unless the Director grants permission for a later date. The Director will not grant permission to submit the complete application

for a new permit later than the permit's expiration date. (40 CFR §§ 270.10(h) and 270.30(b))

I.E.3 Permit Expiration

Unless revoked or terminated, this permit and all conditions herein will be effective until January 17, 2012. This permit and all conditions herein will remain in effect beyond the permit's expiration date if you have submitted a timely, complete application (40 CFR § 270.10 and §§ 270.13 through 270.29), and, through no fault of your own, the Director has not made a final determination regarding permit reissuance.
(40 CFR §§ 270.50 and 270.51)

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

In an enforcement action, you are not entitled to a defense that it would have been necessary to halt or reduce the permitted activity to maintain compliance with this permit. (40 CFR § 270.30(c))

I.E.5 Duty to Mitigate

In the event of noncompliance with this permit, you must take all reasonable steps to minimize releases to the environment resulting from the noncompliance and must implement all reasonable measures to prevent significant adverse impacts on human health or the environment. (40 CFR § 270.30(d))

I.E.6 Proper Operation and Maintenance

You must always properly operate and maintain all facilities and treatment and control systems (and related appurtenances) that you install or use to comply with 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 you to operate back-up or auxiliary facilities or similar systems only when necessary to comply with this permit. (40 CFR § 270.30(e))

I.E.7 Duty to Provide Information

You must provide the Director, within a reasonable time, any relevant information that the Director requests to determine whether there is cause to modify, revoke and reissue, or terminate this permit, or to determine permit compliance. You must also provide the Director, upon request, with copies of any records this permit requires. The information you must maintain under this permit is not subject to the Paperwork Reduction Act of 1995, 44 USC §§ 3501 *et seq.* (40 CFR §§ 264.74(a) and 270.30(h))

I.E.8 Inspection and Entry

Upon the presentation of credentials and other legally required documents, you must allow the Director or an authorized representative to:

I.E.8.a Enter at reasonable times upon your premises where a regulated 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 you must keep under the conditions of this permit;

I.E.8.c Inspect, 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 any substances at any location at reasonable times, to assure permit compliance or as RCRA otherwise authorizes.

Notwithstanding any provision of this permit, U.S. EPA retains the inspection and access authority which it has under RCRA and other applicable laws. (40 CFR § 270.30(i))

I.E.9 Monitoring and Records

I.E.9.a Samples and measurements taken for monitoring purposes must be representative of the monitored activity. The methods used to obtain a representative sample of the feed streams, treatment residues, or other hazardous wastes to be analyzed must be the appropriate methods from Appendix I of 40 CFR Part 261, or the methods specified in the Waste Analysis Plan which is Attachment C of the Part B Permit Application, or an equivalent method approved by the Director. Laboratory methods must be those specified in *Test Methods for Evaluating Solid Waste: Physical/Chemical Methods* (SW-846, latest edition), *Methods for Chemical Analysis of Water and Wastes* (EPA 600/4-79-020), or an equivalent method, as specified in the referenced Waste Analysis Plan. (40 CFR § 270.30(j)(1))

I.E.9.b You must retain, at the facility, records of all monitoring information as specified in 40 CFR § 264.74.

I.E.9.c You must submit all monitoring results at the intervals specified in this permit.

I.E.9.d You must retain all reports, records, or other documents, required by this permit, 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 reports, records, or other documents, unless a different period is specified in this permit. All operating records, monitoring data, and waste analysis data produced to comply with the Section III of this permit shall be retained at the facility until closure of the facility. These periods may be extended by request of the Director at any time an dautomatically extended during the course of any unresolved enforcement action regarding this facility. (40 CFR §§ 270.30(j) and 270.31)

I.E.10 Reporting Planned Changes

You must notify the Director 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

You must notify the Director, in advance, of any planned changes in the permitted facility or activity that may result in permit noncompliance. Advance notice will not constitute a defense for any noncompliance. (40 CFR § 270.30(l)(2))

I.E.12 Certification of Construction

You must not operate any RCRA air emission control devices completed after the effective date of this permit until you have submitted to the Director, by certified mail or hand-delivery, a letter signed both by your authorized representative and by a registered professional engineer. That letter must state that the portions of the facility covered by this permit have been constructed in compliance with the applicable conditions of this permit. In addition, you must not operate the permitted control devices until either:

I.E.12a. The Director or his/her representative has inspected those portions of the facility and finds them in compliance with the conditions of the permit; or

I.E.12b. The Director waives the inspection.

(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 Director. Under 40 CFR § 270.40, the Director may require permit modification, or revocation and reissuance to change your name and incorporate other RCRA requirements. Before

transferring ownership or operation of the facility during its operating life, you must notify the new owner or operator in writing of the requirements of 40 CFR Parts 264, 266, 268, and 270, and must provide a copy of the RCRA permit to the new owner or operator. (40 CFR §§ 264.12(c), 270.30(l)(3), and 270.40(a))

I.E.14 Twenty-Four Hour Reporting

I.E.14.a You must report to the Director any noncompliance with this permit that may endanger human health or the environment. Any such information must be promptly reported orally, but no later than 24 hours after you become aware of the circumstances.

I.E.14.b The report must include the following (40 CFR §§ 270.30(l)(6) and 270.33): (1) Information concerning release of any hazardous waste that may endanger public drinking water supplies; (2) Information of a release or discharge of hazardous waste; or (3) Information of a fire or explosion from the hazardous waste management facility, that could threaten the environment or human health outside the facility. You must include the following information:

(1) Name, title and telephone number of the person making the report;

(2) Name, address and telephone number of the facility owner or operator;

(3) Facility name, address and telephone number;

(4) Date, time and type of incident;

(5) Location and cause of incident;

(6) Identification and quantity of material(s) involved;

(7) Extent of injuries, if any;

(8) Assessment of actual or potential hazards to the environment and human health outside the facility, where applicable;

(9) Description of any emergency action taken to minimize the threat to human health and the environment; and

(10) Estimated quantity and disposition of recovered material that resulted from the incident.

I.E.14.c In addition to the oral notification required under Sections I.E.14.a and I.E.14.b of this permit, a written report must also be provided within 5 calendar days after you become aware of the circumstances. The written report must include, but is not limited to, the following:

(1) Name, address and telephone number of the person reporting;

(2) Incident description (noncompliance and/or release or discharge of hazardous waste), including cause, location, extent of injuries, if any, and an assessment of actual or potential hazards to the environment and human health outside the facility, where applicable;

(3) Period(s) in which the incident (noncompliance and/or release or discharge of hazardous waste) occurred, including exact dates and times;

(4) Whether the incident's results continue to threaten human health and the environment, which will depend on whether the noncompliance has been corrected and/or the release or discharge of hazardous waste has been adequately cleaned up; and

(5) If the noncompliance has not been corrected, the anticipated period for which it is expected to continue and the steps taken or planned to reduce, eliminate, and prevent the recurrence of the noncompliance.

The Director may waive the requirement that written notice be provided within 5 calendar days; however, you will then be required to submit a written report within 15 calendar days of the day on which you must provide oral notice, in accordance with Sections I.E.14.a and I.E.14.b of this permit. (40 CFR § 270.30(1)(6)) (40 CFR § 270.30(h))

I.E.15 Other Noncompliance

You must report all instances of noncompliance not reported under Section I.E.14 of this permit, when any other reports this permit requires are submitted. The reports must contain the information listed in Section I.E.14 of this permit. (40 CFR § 270.30(l)(10))

I.E.16 Other Information

I.E.16.a Whenever you become aware that you failed to submit or otherwise omitted any relevant facts in the Part B Permit Application or other

submittal, or submitted incorrect information in the Part B Permit Application or other submittal, you must promptly notify the Director of any incorrect information or previously omitted information, submit the correct facts or information, and explain in writing the circumstances of the incomplete or inaccurate submittal. (40 CFR § 270.30(l)(11)) (40 CFR § 270.30(h))

I.E.16.b All other requirements contained in 40 CFR § 270.30 not specifically described in this permit are incorporated into this permit and you must comply with all those requirements.

I.F SIGNATORY REQUIREMENT

You must sign and certify all applications, reports, or information this permit requires, or which are otherwise submitted to the Director, in accordance with 40 CFR § 270.11. (40 CFR § 270.30(k))

I.G REPORTS, NOTIFICATIONS AND SUBMITTALS TO THE DIRECTOR

Except as otherwise specified in this permit, all reports, notifications, or other submittals that this permit requires to be sent or given to the Director should be sent by certified mai lor express mail, or hand-delivered to the U.S. Environmental Protection Agency Region 5, Program Management Branch, at the following address:

Program Management Branch, DM-7J
Waste, Pesticides and Toxics Division
U.S. EPA Region 5
77 West Jackson Boulevard
Chicago, Illinois 60604

I.H CONFIDENTIAL INFORMATION

In accordance with 40 CFR Part 2, Subpart B, you may claim any information this permit requires, or otherwise submitted to the Director, as confidential. You must assert any such claim at the time of submittal in the manner prescribed on the application form or instructions or, in the case of other submittals, by stamping the words “Confidential Business Information” on each page containing such information. If you made no claim at the time of submittal, the Director may make the information available to the public without further notice. If you assert a claim, the information will be treated in accordanc ewith the procedures in 40 CFR Part 2. (40 CFR § 270.12)

I.I DOCUMENTS TO BE MAINTAINED AT THE FACILITY

You must 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 them.

I.I.1 Operating Record

You must maintain in the facility's operating record the documents required by this permit, and by the applicable portions of 40 CFR § 266.102, § 264.13, and § 264.73 (as they apply to the equipment used to comply with this permit).

I.I.2 Notifications

You must maintain notifications from generators that are required by 40 CFR § 268.7 to accompany an incoming shipment of hazardous wastes subject to 40 CFR Part 268, Subpart C, that specify treatment standards, as required by 40 CFR §§ 264.73, 268.7, and this permit.

I.I.3 Copy of Permit

You must keep a copy of this permit on site, and you must update it as necessary to incorporate any official permit modifications.

I.J ATTACHMENTS AND DOCUMENTS INCORPORATED BY REFERENCE

I.J.1 All attachments and documents that this permit requires to be submitted, if any, including all plans and schedules are, upon the Director's approval, incorporated into this permit by reference and become an enforceable part of this permit. Since required items are essential elements of this permit, failure to submit any of the required items or submission of inadequate or insufficient information may subject you to enforcement action under Section 3008 of RCRA. This may include fines, or permit suspension or revocation.

I.J.2 This permit also includes the documents attached hereto, all documents cross-referenced in these documents, and the applicable regulations contained in 40 CFR Parts 124, 260, 261, 262, 264, 266, 268, and 270, and applicable provisions of RCRA, all of which are incorporated herein by reference.

I.J.3 Any inconsistency or deviation from the approved designs, plans and schedules is a permit noncompliance. The Director may grant written requests for extensions of due dates for submittals required in this permit.

I.J.4 If the Director determines that actions beyond those provided for, or changes to what is stated herein, are warranted, the Director may modify this permit according to procedures in Section I.B of this permit.

I.J.5 If any documents attached to this permit are found to conflict with any of the conditions in this permit, the condition will take precedence.

I.K COORDINATION WITH THE CLEAN AIR ACT

You must fully comply with all applicable Clean Air Act (CAA) and RCRA permit limits. Where two or more operating limitations apply, the most stringent operating limitations take precedence.

SECTION II—GENERAL FACILITY CONDITIONS

You must comply with the following conditions to the extent that they apply to the cement kiln and its associated and ancillary equipment.

II.A DESIGN AND OPERATION OF FACILITY

You must maintain and operate the cement kiln in a manner that minimizes the possibilit yof a fire, explosion, or any unplanned, sudden or non-sudden release of hazardous waste or hazardous constituents to air, soil, or surface water that could threaten human health or the environment (40 CFR § 264.31). The kiln unit must be configured, operated and maintained in accordance with the engineering drawings and specifications in the Risk Burn Plan and the Part B Permit Application.

II.B TREATMENT OF OFF-SITE HAZARDOUS WASTE

You are authorized to treat hazardous waste from off-site sources in the kiln. In order to treat off-site generated hazardous waste in the kiln, you shall first be allowed by the State RCRA Permit to receive and store the off-site hazardous waste.

II.C SPECIFIC WASTE PROHIBITIONS

You must comply with all applicable requirements of 40 CFR Part 268. No on- or off-site generated hazardous waste shall be burned in the kiln unless it is specified in the Part A Application which is Attachment A of the Part B Permit Application.

II.D GENERAL WASTE ANALYSIS

You must follow the waste analysis procedures required by 40 CFR § 264.13, as described in the Waste Analysis Plan which is Attachment C of the Part B Permit Application (40 CFR § 264.13).

II.E SECURITY PROCEDURES

You must comply with the security provisions of 40 CFR § 264.14(b) and (c) as described in Attachment F, Procedures to Prevent Hazards, of the Part B Permit Application.

II.F GENERAL INSPECTION REQUIREMENTS

II.F.1 Inspection Schedule

You must inspect the facility regularly in accordance with the inspection schedule described in Attachment F, Procedures to Prevent Hazards, of the Part B Permit Application. (40 CFR § 264.15(b))

II.F.2 Inspection Remedies

You must remedy any deterioration or malfunction of equipment or structures discovered during an inspection, in accordance with 40 CFR § 264.15(c).

II.F.3 Inspection Records

You must record all inspections in the inspection log or summary, in accordance with 40 CFR § 264.15(d), and keep them as part of the operating record, in accordance with 40 CFR § 264.73(b)(5) and Section I.I of this permit.

II.G PERSONNEL TRAINING

II.G.1 Training Requirements

You must ensure that all personnel who handle hazardous waste are trained in hazardous waste management, safety procedures and emergency procedures, as applicable to their job description, in accordance with 40 CFR § 264.16, and that they follow the outlines and procedures in Attachment H, Personnel Training, of the Part B Permit Application.

II.G.2 Training Schedule

Facility personnel must successfully complete the hazardous waste training described in Section II.G.1 of this permit within six months after the date of their employment or

assignment to a facility, or to a new position at a facility, whichever is later. Employees must not work in unsupervised positions until they have completed the training identified in Section II.G.1 of this permit. (40 CFR § 264.16(b))

II.G.3 Training Records

You must maintain a copy of the personnel training documents and records, in accordanc ewith 40 CFR § 264.16(d) and (e) and Section I.I of this permit.

II.H GENERAL REQUIREMENTS FOR IGNITABLE, REACTIVE, OR INCOMPATIBLE WASTES

You must comply with 40 CFR § 264.17(a) when handling ignitable, reactive, or incompatible wastes.

II.I PREPAREDNESS AND PREVENTION

You must comply with all applicable preparedness and prevention requirements, in accordance with 40 CFR Part 264, Subpart C, including those in the following conditions:

II.I.1 Required Equipment

At a minimum, you must maintain at the facility the equipment required in 40 CFR § 264.32 and § 264.52(e), and specified in Attachment F, Procedures to Prevent Hazards and Attachment G, Contingency Plan, of the Part B Permit Application.

II.I.2 Testing and Maintenance of Equipment

You must test and maintain the equipment referred to in Section II.I.1 of this permit, in accordance with the inspection schedules that are included as Attachments F and G of the Part B Permit Application. (40 CFR §§ 264.15(b)(1) and 264.33)

II.I.3 Arrangements with Local Authorities

You must attempt to develop and maintain preparedness and prevention arrangements with state and local authorities, as 40 CFR § 264.37 requires. If state or local authorities decline to enter into such arrangements, you must document this refusal in the operating record maintained under Section I.I of this permit (40 CFR § 264.37(b)).

II.J CONTINGENCY PLAN

You must comply with all applicable requirements in 40 CFR Part 264, Subpart D, including the following conditions:

II.J.1 Implementation of Contingency Plan

You must immediately carry out the provisions of the Contingency Plan included as Attachment G of the Part B Permit Application, and follow the emergency procedures described by 40 CFR § 264.56 whenever there is a fire, explosion or release of hazardous waste or hazardous waste constituents that could threaten human health or the environment. (40 CFR § 264.51(b))

II.J.2 Copies of Contingency Plan

You must provide a copy of the Contingency Plan, Attachment G of the Part B Permit Application and all revisions to the local police departments, fire departments, hospitals, and state and local emergency response teams that may be called upon to provide emergency services. (40 CFR § 264.53(b))

II.J.3 Amendments to Contingency Plan

You must review, and immediately amend if necessary, the Contingency Plan, Attachment G of the Part B Permit Application, in accordance with 40 CFR § 264.54.

II.K RECORD KEEPING AND REPORTING

In addition to the record keeping and reporting requirements specified elsewhere in this permit, you must comply with those in the following conditions:

II.K.1 Operating Record

You must maintain a written or electronic operating record at the facility, in accordance with 40 CFR §§ 264.73 and 266.102(e)(8).

II.K.2 Manifest Records

You must comply with the 40 CFR §§ 264.71, 264.72 and 270.30(1)(7) manifest and manifest discrepancy record keeping and reporting requirements. You must not receive any unmanifested hazardous waste (as defined by 40 CFR §§ 264.76 and 270.30(l)(8)).

II.K.3 Biennial Report

You must, by March 1 of each even-numbered year, submit to the Director, a biennial

report covering each of the permitted hazardous waste management unit's activities, in accordance with 40 CFR § 264.75.

II.K.4 Other Reports

You must submit to the Director any additional reports specified in 40 CFR § 264.77.

II.K.5 Waste Minimization

For hazardous wastes you generate at your facility, if you generate in excess of 200 pounds of hazardous waste during a calendar year, in the following year you must implement a waste minimization program, unless the Director directs otherwise:

For each year that your facility generates 200 pounds or more of hazardous waste, you must, by March 1 of the following year, submit to the Director a certification in accordance with 40 CFR § 264.73(b)(9), and signed in accordance with 40 CFR § 270.11 and Section I.F of this permit, that you have a program in place to reduce the volume and toxicity of hazardous waste generated to the degree that you determine is economically practicable. The waste minimization program may include the following:

II.K.5.a Any written policy or statement that outlines goals, objectives, and/or methods for source reduction and recycling of hazardous waste generated at the facility;

II.K.5.b Any employee training or incentive programs designed to identify and implement source reduction and recycling opportunities;

II.K.5.c Any source reduction and/or recycling measures implemented in the last 5 years or planned for the near future;

II.K.5.d An itemized list of the dollar amounts of capital expenditures (plant and equipment) and operating costs devoted to source reduction and recycling of hazardous waste generated at the facility;

II.K.5.e Factors that have prevented implementation of source reduction and/or recycling of waste generated at the facility;

II.K.5.f Sources of information on source reduction and/or recycling received at the facility (for example, local government, trade associations, or suppliers);

II.K.5.g An investigation of additional waste minimization efforts that could be implemented at the facility. This investigation must analyze the potential for reducing the quantity and toxicity of each hazardous waste stream generated at the facility through production reformulation, recycling and all other appropriate means. The analysis must assess the technical feasibility, cost and potential waste

reduction for each option;

II.K.5.h A flow chart or matrix detailing all hazardous wastes you produce by quantity, type, and building or area; and

II.K.5.i A demonstration of the need to use those processes which produce a particular hazardous waste due to a lack of alternative processes or available technology that would produce less hazardous waste.

You must include the following information in the operating record: 1) the annual certification; 2) a written description of efforts undertaken during the year to reduce the volume and toxicity of waste generated; and 3) a written description of the changes in volume and toxicity of waste actually achieved during the year in comparison to previous years. These documents must be available at the facility at all times for U.S. EPA, the State, local agencies, or their duly authorized representatives' inspection.

II.L GENERAL CLOSURE REQUIREMENTS

With respect to the kiln unit, you must comply with all applicable requirements in 40 CFR Part 264, Subpart G, Closure and Post-Closure, including those in the following conditions:

II.L.1 Performance Standard

You must close the kiln unit in accordance with 40 CFR §§ 264.111, and 266.102(e)(11), and in accordance with the Closure Requirements for Cement Kiln submitted in your Part B Permit Application.

II.L.2 Amendment to Closure Plan

Whenever necessary, you must amend the Closure Plans, Post-Closure Plans, and Financial Requirements in Attachment I of the Part B Permit Application, in accordance with 40 CFR § 264.112(c). When necessary you must submit a written notification or request to the Director for a permit modification to amend the Closure Plans, Post-Closure Plans, and Financial Requirements, Attachment I of the Part B Permit Application in accordance with 40 CFR § 264.112(c).

II.L.3 Notification of Closure

You must notify the Director in writing at least 45 days before the date on which you expect to begin partial or final closure of the kiln unit at your facility.
(40 CFR § 264.112(d))

II.L.4 Time Allowed for Closure

After treating the final hazardous waste volume in the kiln unit at your facility, you must treat and remove from the unit all hazardous waste and must complete closure activities in accordance with 40 CFR § 264.113 and the schedule specified in the Closure Plans, Post-Closure Plans, and Financial Requirements in Attachment I of the Part B Permit Application.

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

You must decontaminate and/or dispose of all contaminated equipment, structures and soils, as 40 CFR § 264.114 requires, and in accordance with the Closure Plans, Post-Closure Plans, and Financial Requirements in Attachment I of the Part B Permit Application.

II.L.6 Certification of Closure

You must provide a certification statement for each hazardous waste management unit when that hazardous waste management unit has been closed in accordance with the Closure Plans, Post-Closure Plans, and Financial Requirements in Attachment I of the Part B Permit Application. An independent registered professional engineer must sign the certification in accordance with 40 CFR § 270.11 and other applicable conditions of this permit. (40 CFR § 264.115)

II.M COST ESTIMATE FOR FACILITY CLOSURE

II.M.1 Adjustment for Inflation

You must adjust the closure cost estimate for inflation pursuant to the schedule specified in 40 CFR § 264.142(b).

II.M.2 Revision due to Changes in Closure Plan

You must revise the closure cost estimates within 30 days after receiving the Director's approval whenever there is a change in the facility's Closure Plans, Post-Closure Plans, and Financial Requirements, Attachment I of the Part B Permit Application, if that change increases closure costs (40 CFR § 264.142(c)).

II.M.3 Copy at Facility

You must keep at the facility the latest closure cost estimates, as 40 CFR § 264.142(d) and Section I.I of this permit requires.

II.N FINANCIAL ASSURANCE FOR FACILITY CLOSURE

You must demonstrate continuous compliance with 40 CFR §§ 264.143 and 264.146 by documenting financial assurance, as 40 CFR § 264.151 requires, in at least the amount of the cost estimate that Section II.M of this permit requires. Under 40 CFR § 264.143, the Director or the Commissioner of the Indiana Department of Environmental Management (IDEM) must approve any changes in financial assurance mechanisms.

You must adjust the financial assurance documents, as necessary, to account for any adjustments to the closure cost estimate in Section II.M.1 of this permit pursuant to the schedules contained in 40 CFR § 264.143.

II.O LIABILITY REQUIREMENTS

You must demonstrate continuous compliance with 40 CFR § 264.147(a)'s requirement of obtaining and maintaining liability insurance coverage for sudden accidental occurrences in the amount of at least $1 million per occurrence, with an annual aggregate of at least $2 million, exclusive of legal defense costs.

II.P INCAPACITY OF OWNERS OR OPERATORS, GUARANTORS OR FINANCIAL INSTITUTIONS

You must comply with 40 CFR § 264.148, regarding voluntary or involuntary Bankruptcy, or loss of authority of a trustee or financial institution whenever necessary.

SECTION III—OPERATING REQUIREMENTS FOR CEMENT KILN UNIT

This Section addresses the operation of your cement kiln. Lone Star operates a single semi-dry cement kiln system at its Greencastle facility. A Part 70 operating permit was issued by the Office of Air Quality of the IDEM on April 14, 2004. (The expiration date of the Part 70 operating permit is April 14, 2009.) In June 2002, Lone Star conducted a comprehensive performance test for front-burning to demonstrate its compliance status with the Maximum Achievable Control Technology (MACT) standards specified in 40 CFR Part 63, Subpart EEE, National Emission Standards for Hazardous Waste Combustors. In September 2002, Lone Star submitted a Notice of Compliance (NOC) for front-burning category. In December 2004 and September 2005, Lone Star conducted pre-calciner MACT tests. In March 2005 and October 2005, Lone Star submitted a NOC for front and back-burning categories.

On April 16, 2002, the U.S. EPA approved the risk assessment report, for both human health and ecological assessments, which were developed based on the risk burn test conducted in December 2000. The risk burn report and the risk assessment report indicate that there is no need to specify risk-based limits in the RCRA permit.

Modifications of the cement kiln system, including its ancillary equipment, shall require a permit modification pursuant to 40 CFR § 270.42. If modifications are approved, the operating requirements and limitations of this condition shall be modified to incorporate revisions necessary to comply with 40 CFR § 266.102.

III.A DESIGN

III.A.1 Compliance with Engineering Design Plans and Specifications

III.A.1.a You are authorized to manage hazardous waste in the cement kiln in accordance with the engineering design plans and specifications contained in the risk burn plan and the Part B Permit Application.

III.A.1.b You must operate the hazardous waste combustion unit in a manner which minimizes the possibility of a fire, explosion, or any unplanned, sudden or non-sudden release of hazardous waste or hazardous waste constituents to air, soil or surface water that might threaten human health or the environment. (40 CFR § 264.31)

III.A.2 Modifications

Modifications to the design plans and specifications will be allowed only in accordance with Section I.E.10 of this permit. Modifications which might affect the facility's handling of hazardous waste or emissions from the combustion of hazardous waste will be allowed only in accordance with Section I.B.1 of this permit.

III.B RESTRICTIVE MATERIALS TO BE BURNED

III.B.1 You shall not burn in the kiln the following hazardous waste listed for dioxin or hazardous waste derived from any of these wastes: F020, F021, F022, F023, F026, and F027.

III.B.2 You shall not burn hazardous waste containing polychlorinated biphenyls (PCBs) at concentrations greater than or equal to 50 parts per million.

III.B.3 You shall not burn radioactive or nuclear hazardous waste.

III.B.4 You shall not burn hazardous waste considered medical waste.

III.B.5 You must not dilute the prohibited inorganic metal-bearing hazardous wastes (listed in Appendix XI of 40 CFR Part 268), unless the hazardous waste can be demonstrated to comply with one or more of the criteria specified in 40 CFR § 268.3(c), to prepare fuel for the kiln.

III.B.6 You must not directly transfer hazardous waste from tank-truck, rail-car, or any other moving vehicle to the cement kiln.

III.C REGULATION OF CEMENT KILN DUST AND OTHER RESIDUES

1. The cement kiln dust (CKD) or residue generated from the burning or processing of hazardous waste in your cement kiln is excluded from being considered a hazardous waste if the following criteria are met:

   (a) A minimum of fifty (50) percent by weight of the normal cement-production raw materials must be processed in the cement kiln;

   (b) The concentration of each constituent of concern, determined based on the information specified in Attachment C, Waste Analysis Plan, of the Part B Permit Application, in the hazardous waste-derived CKD or residue mus t not exceed the health-based level specified in Appendix VII of 40 CFR Part 266, or the level of detection (using analytical procedures prescribed in SW-846), whichever is higher, for the nonmetal constituents; and

   (c) Records sufficient to document compliance with the Condition III.C.1.(a) and (b) shall be retained until closure of the cement kiln. (40 CFR § 266.112)

2. You shall sample and analyze the waste-derived CKD or residue according to the sampling frequency and quality assurance and quality control procedures according to Attachment C, Waste Analysis Plan, of the Part B Permit Application.

3. You shall place the CKD or residue in the on-site landfill according to the management guideline and plan approved by the IDEM.

4. You shall construct, maintain and operate the on-site landfill in accordance with the requirement of the IDEM.

5. Any pile of hazardous waste-derived CKD or residue which is not meeting exclusion requirements specified in Condition III.C.1 shall be stored in

containers that meet Federal and State standards and be disposed of off-site at a hazardous waste disposal or treatment facility.

6. You shall sample, analyze, and manage spent refractory materials used to line the cement kiln in accordance with Attachment C, Waste Analysis Plan, of the Part B Permit Application.

III.D HAZARDOUS WASTE AND OTHER FEED STREAM ANALYSIS

You shall conduct sampling and analysis as described in the Waste Analysis Plan which is Attachment C of the Part B Permit Application, to ensure that the hazardous waste and other fuels fired into the cement kiln are within the physical and chemical composition limits specified in the permit. Changes to the sampling and analysis procedures describe din the Waste Analysis Plan shall require a permit modification as required by 40 CFR § 270.42.

III.E COMPLIANCE WITH REGULATIONS

For the purposes of permit enforcement, compliance with the operating requirements specified in this permit shall be regarded as compliance with 40 CFR § 266.102. However, any evidence that indicates that compliance with these permit conditions is insufficient to ensure compliance with the requirements of 40 CFR § 266.102 shall constitute "information" which may justify modification or revocation and re-issuance of a permit under 40 CFR § 270.41.

III.F RISK ASSESSMENT UPDATE

A risk assessment was conducted prior to the issuance of this permit. You shall update as necessary a risk assessment, for both human (direct and indirect) and ecological risk assessments, in conjunction with the required compliance test to be conducted prior to the expiration date of this federal RCRA permit.

SECTION IV—COMPLIANCE SCHEDULE

Activity	Due Date
Reporting Biennial Report	March 1 of each even numbered year