

State of Kansas

**Department of Health and Environment**

Bureau of Waste Management  
1000 SW Jackson, Suite 320, Topeka, Kansas 66612-1366 (785) 296-1600

**PERMIT**

No. 765

For operating a processing facility or a solid waste disposal area  
in accordance with the provisions of Kansas Statutes Annotated 65-3407

**Permission is hereby granted**

To Acme Foundry Inc.  
name of governmental entity, corporation or person

to operate an Industrial Landfill

location Highway 166 Approximately 1¼ Miles East of Coffeyville, Kansas

W½ of Section 32, Township 34 South, Range 17 East,

Montgomery County

A 31.81-acre facility with 22.97 acres permitted for industrial waste disposal

in conformity with plans and specifications approved by the Department of Health and Environment,  
and the attached special and general conditions and all documents submitted by the permittee and  
approved by the Kansas Department of Health and Environment.

Original Permit November 23, 1998: Issue original industrial landfill permit

Amend Permit August 14, 2012: Laterally expand the industrial landfill. Reference documents include drawings signed and sealed by a Kansas Licensed Professional Engineer on February 28, 2012.

This Amendment Laterally expand the industrial landfill. Reference documents include drawings signed and sealed by a Kansas Licensed Professional Engineer on August 31, 2021.



Done at Topeka, this \_\_\_\_\_ day of \_\_\_\_\_ 20\_\_\_\_

\_\_\_\_\_  
Department of Health and Environment

**ACME FOUNDRY INC.  
INDUSTRIAL LANDFILL  
Permit No. 765**

**SPECIAL CONDITIONS**

1. This Permit addresses the solid waste disposal areas presented below.

<u>Area</u>	<u>Acreage</u>	<u>November 2021 Status</u>
Phase 1	3.7	2.5 Acres closed 08/01/2014
Phase 2	3.8	Active
Phase 3	<u>15.57</u>	This permit action
Total	22.97	

<u>Permit Action Date</u>	<u>Reference Documents</u>
November 23, 1998	(Issue original permit for an approximately 4-acre landfill) Permit application signed March 13, 1998, and "Development and Operations Plan, Proposed Acme Industrial Landfill, Coffeyville, Kansas" and "Closure and Post-Closure Plan, Acme Industrial Landfill, Acme Foundry, Inc., Coffeyville, Kansas" sealed by a Kansas Professional Engineer on March 20, 1998.
August 14, 2012	(Landfill lateral expansion) Document "Permit Modification Application, Acme Foundry Industrial Waste Landfill, KDHE Permit No. 765, Montgomery County, Kansas" containing "Application For A Solid Waste Landfill Permit" signed March 15, 2012, and design, operating, construction quality assurance, closure, and post-closure plans, and drawings sealed by a Kansas Professional Engineer on February 28, 2012 and a survey sealed by a Kansas Professional Land Surveyor on November 21, 2013.
This permit action	(Landfill lateral expansion) Document "Permit Modification Application, Acme Foundry Industrial Waste Landfill, KDHE Permit No. 765, Montgomery County, Kansas" containing "Application For A Solid Waste Landfill Permit" signed March 2, 2021, and design, operating, construction quality assurance, closure, and post-closure plans, and drawings sealed by a Kansas Professional Engineer on August 31, 2021, and a survey sealed by a Kansas Professional Land Surveyor on August 27, 2021.

2. Site operations shall be in accordance with the facility's approved operating plan.
3. Landfill construction shall be in accordance with the facility's approved construction quality assurance (CQA) plan prepared by a Kansas licensed Professional Engineer and approved by the Bureau of Waste Management of the Kansas Department of Health and Environment. The CQA engineer shall certify the construction and submit the certification to KDHE for review and approval prior to waste disposal into the certified phase.
4. Only the wastes described in the facility operating plan shall be disposed into this landfill.
5. Within 30 days of this permit's approval the restrictive covenant and easement in the permit application's Attachment 13 will be filed with the Montgomery County Register of Deeds and copies of the filed documents forwarded to the KDHE's Bureau of Waste Management

6. Closure and post-closure financial assurance shall be updated at the time of annual permit renewal and prior to waste receipt in newly constructed disposal areas.

## GENERAL CONDITIONS

### Acme Foundry, Inc. Industrial Landfill Permit No. 765

As used in this Permit the following definitions apply, unless the context indicates otherwise.

"Department" means the Kansas Department of Health and Environment (KDHE) and its officers, authorized agents and employees.

"Secretary" means the secretary of the Kansas Department of Health and Environment.

"Permit" means a limited authorization issued by the Secretary under the authority of Kansas Statutes Annotated (K.S.A.) 65-3406 and 65-3407 to own, construct, alter or operate an industrial landfill at the location described, and pursuant to the conditions described, in the application as approved by the Department.

"Permittee" means any person(s) to whom this Permit is issued (a) who owns, in whole or in part, constructs, alters, or operates any facility described in this Permit; and/or (b) owns the land on which the facility is located.

Unless the context indicates otherwise, words and phrases used in this Permit shall have the meanings defined by K.S.A. 65-3402 as amended and Kansas Administrative Regulations (K.A.R.) 28-29-3 as amended.

1. This Permit, along with its general conditions does not release the Permittee from any liability, penalty, obligation or duty imposed by state or federal statutes or regulations, county resolutions or city ordinances except the obligation to obtain this Permit.
2. This Permit does not convey any property right of any sort or any exclusive privilege.
3. This Permit shall not be construed as estopping or limiting any claims against the Permittee for damage or injury to person(s) or property or to any waters of the state resulting from any acts, operations, or omissions of the Permittee, its agents, contractors, or assignees, nor as estopping or limiting any legal claim of the state against the Permittee, its agents, contractors, or assignees, for damage to state property, or for any violation of the terms or conditions of this Permit.
4. This Permit is subject to modification by the Department at the time of any scheduled renewal or: (a) whenever the modification is needed to reflect changed state or federal rules, (b) to incorporate changes in the facility operations or closure plan, (c) to make other modifications proposed by the Permittee and approved by the Department, (d) whenever the Department determines that modification is necessary to prevent or reduce actual or potential hazard(s) to the public health or

safety, or pollution or contamination of the environment or, (e) because of changed or unforeseen circumstances. The filing of a request by the Permittee for a permit modification, or the filing of a notice of anticipated noncompliance does not stay any permit condition. Approval from the Department must be obtained prior to any modifications to the landfill design, operational and closure plans approved with this Permit or any development of new cells not detailed in those plans. The Department shall determine which modifications may be incorporated in the permit or incorporated by reference.

5. This Permit is transferable in accordance with K.S.A. 65-3407(i). When a transfer of this Permit is requested, the current Permittee shall maintain financial assurance as required by K.S.A. 65-3407 until the new Permittee has demonstrated that it is complying with the legal requirements for financial assurance.
6. When the Permittee submits a complete and timely application for renewal of this Permit they may continue to conduct the permitted activity at the permitted location until the Department takes final action on the permit renewal application if:
  - (a) The Permittee is in compliance with the terms and conditions of this Permit; and
  - (b) The Department, through no fault of the Permittee, has not taken final action on the application on or before the renewal date of this Permit.

The conditions in Permits continued under this paragraph remain fully effective and enforceable.

7. The provisions of the Kansas Administrative Procedures Act, K.S.A. 77-501 *et seq.*, shall apply in any proceeding to suspend or revoke this Permit. Whenever any appeal is filed under a proceeding to suspend or revoke this Permit, venue shall lie in Shawnee County, Kansas.
8. Permittee shall satisfy all of the following:
  - (a) Duty to Comply. Permittee shall comply at all times with the terms and conditions of this Permit, and all applicable state and federal statutes and regulations.
  - (b) Duty to Maintain. Permittee shall properly operate and maintain all facilities, equipment, control systems, and vehicles that the Permittee installs or uses to conduct the permitted activity.

- (c) Duty to Mitigate. Permittee shall remedy, and shall act with due diligence to prevent, all potential and actual adverse impacts to persons, property and the environment resulting from noncompliance with the terms and conditions of this Permit. The Permittee shall repair all damages caused by such noncompliance at their own expense.
  - (d) Duty to Provide Information. Permittee shall provide the Department, within five (5) working days or other period specified in a request by the Department, any information relevant to this Permit.
  - (e) Continuing Duty to Inform. The Permittee shall immediately report to the Department any omitted or incorrect facts in the permit application. In addition, the Permittee shall report in writing at least thirty (30) days in advance of any planned change in the facility or facility operations which could result in noncompliance with this Permit or which could require a change in this Permit.
  - (f) Entries and Inspections. For the purposes of inspections and protecting the public health, safety or welfare, or the environment, the Permittee shall allow personnel or authorized agents of the Department to enter the premises and have access to records as described in K.A.R. 28-29-16.
9. Records. All records and copies of all applications, reports, and other documents required, including the source of the solid waste disposed of at the facility, shall be kept by the Permittee for the period applicable to the type of solid waste disposal area as specified in Kansas statutes and regulations. This period shall be automatically extended for the duration of any enforcement action taken on this Permit or may be extended by order of the Department.
10. All unintentional, inadvertent, or accidental off-site releases of solid waste, or substances derived therefrom, except wind blown litter, shall be verbally reported to the Department within twenty-four (24) hours and in writing within three (3) working days, and to all other persons to whom such releases must be reported pursuant to state and federal laws or regulations.
11. Force Majeure.
- (a) An obligation for the Permittee to perform according to this Permit may be suspended with the written approval of the Department in the event unforeseen and uncontrollable circumstances occur which necessarily and unavoidably prevent performance of the terms of this Permit. No events

other than unforeseen, uncontrollable circumstances, however catastrophic, shall excuse nonperformance of the permit conditions by Permittee.

- (b) In the event Permittee is rendered unable, wholly or in part, by the occurrence of unforeseen, uncontrollable circumstances to carry out any of its obligations under this Permit, then that obligation of the Permittee, to the extent affected by the occurrence, and to the extent that due diligence is being used to resume performance as soon as practicable, may be suspended during the continuance of the inability so caused, but for no longer than one (1) year. The Permittee shall immediately notify the Department intent to assert force majeure to suspend affected permit obligations and provide documentation to justify invoking force majeure.
  - (c) In the event the facility is damaged or destroyed due to an explosion, landslide, flood, fire, vandalism or other event for which the Permittee carries insurance, Permittee shall promptly collect insurance proceeds and apply such proceeds to the correction or reconstruction of the facility, or proceed to close the facility in accordance with an approved closure plan. Upon the occurrence of such an event, the Permittee shall submit to the Department for approval, a plan for the correction, reconstruction or closure of the facility, including the schedule, cost and proposed financing method as soon as practical after the occurrence of the event.
  - (d) In the event Permittee is unable to properly process, transfer or dispose of any solid waste generated within the area served by the facility because of the occurrence of unforeseen, uncontrollable circumstances, the Permittee shall designate and arrange for an alternate disposal facility to which solid wastes may be diverted for disposal until the facility is able to resume management of the solid wastes at the facility.
  - (e) In the event that any damage to the environment occurs due to the unforeseeable, uncontrollable circumstances, the Permittee shall take all action determined necessary by the Department to mitigate and remediate such damage.
12. Tonnage Reports. Permittee shall submit to the Department reports listing the quantities and types of all solid waste material that was handled during the reporting period. Each tonnage report shall be submitted to the Department on forms provided by the Department on a monthly, quarterly, or other frequency as determined by the Department.

13. Personnel Training. Permittee shall instruct or give on-the-job training to personnel involved in any activity authorized by this Permit, so that such instruction or on-the-job training teaches such personnel how to comply with the conditions of this Permit and to carry out the authorized activity in a manner that is not hazardous to the health and safety of the personnel or to the public health, safety, or welfare, or to the environment. A written report summarizing the type of training provided, the dates the training was presented and the names and addresses of personnel receiving the instruction shall be retained in the facility operating record.
14. The Permittee shall apply for renewal of this Permit at least thirty (30) days prior to the renewal date on the face of this Permit. The Department has no duty to notify the Permittee in advance of the renewal date. The Permittee shall submit the following materials to the Department to renew this Permit:
  - (a) Proof of insurance. (K.A.R. 28-29-2201);
  - (b) Updated closure and post-closure cost estimates. (K.A.R. 28-29-2101);
  - (c) Proof of financial assurance, unless the facility is exempt. (K.A.R. 28-29-2101 through 28-29-2113); and
  - (d) Renewal fee, unless the facility is exempt. (K.A.R. 28-29-84).
15. Failure to provide the materials required by paragraph 14, above, or to complete other renewal requirements made necessary by law or rule and regulation on or before the anniversary date of the permit issuance shall result in suspension of this Permit by order of the Secretary in accordance with paragraph 7, above.
16. The operations phase of this Permit shall expire upon the occurrence of:
  - (a) The receipt of written Department approval of site closure in accordance with the site closure plan; or
  - (b) The end of the active life of this Permit whether caused by an order from the Department, or the district court, or a permanent, voluntary cessation of the receipt of waste.
17. The post closure phase of this Permit shall begin immediately upon the closure of the landfill pursuant to paragraph 16 above and will be in effect for a minimum of



thirty (30) years, unless extended by the Secretary of the Department **pursuant** to K.A.R. 28-29-12(e).

18. The Permittee shall make arrangements for fire protection services if a fire protection district or other public fire protection service is available. If this service is not available, the Permittee shall provide practical alternate arrangements. If there is a fire at the site, the operator shall perform all of the following:
  - (a) Initiate and continue the use of appropriate firefighting methods until all smoldering, smoking, and burning cease;
  - (b) Notify the Department within one business day after the occurrence of any fire at the facility and submit a written report on forms provided by the Department within one week; and
  - (c) Upon completion of firefighting activities, cover and regrade each disruption of finished grades, covered surfaces, or completed surfaces.

\*\*\*\*\*