

FACT SHEET

HWMA/RCRA CLASS 3 PERMIT MODIFICATION TO POST-CLOSURE PERMIT DART INDUSTRIES, INC. EPA ID No. IDD000467332

This fact sheet sets forth the principal facts pertaining to a draft Class 3 Permit Modification (Modification) that the Idaho Department of Environmental Quality (DEQ) is proposing for Dart Industries, Inc. (Dart), the Permittee. A draft Modification has been prepared to shorten the post-closure care period from thirty (30) years to twenty (20) years in the Post-Closure Permit for Dart located in Jerome, Idaho. This will result in the expiration of Dart's Post-Closure Permit.

The regulatory basis for the conditions and requirements of Permits and Permit Modifications can be found within the Idaho *Rules and Standards for Hazardous Waste*, IDAPA 58.01.05.004 through 58.01.05.013 [40 CFR Parts 124, 260 through 266, 268, and 270]. This fact sheet was prepared in accordance with the requirements of IDAPA 58.01.05.013 [40 CFR § 124.8].

A. PURPOSE OF THE PERMITTING PROCESS

The purpose of permitting and the permit modification process is to design specific administrative and procedural requirements, under which the Permittee will operate, to comply with the Idaho Hazardous Waste Management Act of 1983 (HWMA), as amended, and regulations promulgated thereunder by DEQ.

This draft Modification was prepared based on the RCRA regulation allowing the responsible agency (DEQ) to shorten the post-closure care period if the reduced period is sufficient to protect human health and the environment. All documents retained by DEQ in support of the draft modification are available for review. DEQ hereby proposes to approve the draft Modification. The public has forty-five (45) calendar days to review and comment on the draft modified permit conditions prior to DEQ taking any final action (grant or deny) on the Modification.

B. PROCEDURES FOR REACHING A FINAL DECISION

IDAPA 58.01.05.013 [40 CFR § 124.10] requires that the public be given forty-five (45) calendar days to comment on each draft Permit prepared under the HWMA. The comment period on DEQ's decision to grant the draft Modification begins on June 28, 2013 and ends on August 12, 2013. Any person interested in commenting on the draft Modification must do so within this forty-five (45) day period. Only the modified permit conditions are open for public comment per IDAPA 58.01.05.013 [40 CFR § 124.5].

All persons wishing to comment on the proposed draft Modification should submit comments in writing to:

Mr. Robert Bullock
c/o Ms. Jenny Shafer
Waste Management and Remediation Division
Idaho Department of Environmental Quality
1410 North Hilton
Boise, Idaho 83706-1255
(208) 373-0502

Comments may also be submitted through the comment form on the DEQ website at www.deq.idaho.gov/public-comment-opportunities. Comments should include all reasonable references, factual grounds, and supporting material.

Opportunity for a public hearing may be provided if signed, written requests for a hearing, in accordance with IDAPA 58.01.05.013 [40 CFR § 124.11], are submitted to DEQ and received on or before August 12, 2013. If sufficient public interest is expressed in holding a public hearing, then a formal public hearing will be held. The decision on whether there is sufficient public interest in holding the hearing will be based on the receipt of written comments and requests for a public hearing. To find out if a hearing will take place, contact Kim Custer at (208) 373-0502.

When making the final determination regarding the approval of this draft Modification, the Department will consider written comments received during the public comment period, comments received during the public hearing (if held), and applicable requirements of IDAPA 58.01.05.000 *et seq.*, and all other applicable federal, state, or local laws.

C. FACILITY DESCRIPTION

Dart operated a plastic molding plant at 2572 South Lincoln Street in Jerome, Idaho from 1972 and until 1988. In April 1989, Dart sold and transferred ownership of the manufacturing facility and most of the property to Spears Manufacturing Company (Spears). Dart maintained ownership of a portion of the property known as Parcel C, a 10.8-acre parcel located east of the original plant. Prior to 1987, Dart used an 8.0-acre portion of Parcel C for the disposal of floor mop wash water. Soil samples confirmed the presence of perchloroethylene (PCE) and trichloroethylene (TCE), at Parcel C.

Dart entered into a Voluntary Consent Order (VCO) with DEQ on December 16, 1988. The VCO required a closure plan be submitted and approved by DEQ and then implemented by Dart to address contaminated soils in Parcel C. As a result of the constituent levels in the soil, DEQ required Dart to submit a Part A and Part B of a Post-Closure Permit Application. An approved Hazardous Waste Facility Post-Closure Permit (Permit) became effective on November 1, 1993. The Permit required Dart to perform groundwater monitoring and implement corrective measures at the site. Four Hundred tons of contaminated soil was removed in 1990 and construction of a closure cap was completed in 1992. Twenty years of groundwater monitoring, as required by the post-closure plan, has found no evidence of contamination at the site. The current Permit, effective as of January 12, 2004, remains in effect until January 12, 2014.

This DEQ initiated draft Modification shortens the post-closure care period from thirty (30) to twenty (20) years under the authority of IDAPA 58.01.05.012 [40 CFR § 270.41(a)(2)] and IDAPA 58.01.05.008 [40 CFR § 264.117(a)(2)(i)], allowing the Post-closure Permit to expire in 2014.

E. DRAFT MODIFICATION ORGANIZATION

All of the proposed Modifications are contained in Section IV.A of Module IV, Post Closure Care, of the Dart Post-Closure Permit.