

RESPONSE SUMMARY

RESPONSE TO COMMENTS ON THE DRAFT PERMIT FOR Lone Star Industries, Inc. Federal RCRA Permit Greencastle, Indiana IND 006 419 212

I. INTRODUCTION

This summary is issued in response to all of the significant comments raised during the public comment period.

The public comment period for the draft permit extended from March 26, 2007 to May 11, 2007.

II. COMMENTS, RESPONSES, AND CHANGES

Lone Star Industries, Inc. (Lone Star) submitted the following comments:

1. **General comment:** In the past, all notifications and reporting have been addressed to the Indiana Department of Environmental Management. Will the issuance of this permit now require Lone Star to submit duplicates of all documents to Region 5?

Response: As specified in Section I.G. of the Federal RCRA permit, Lone Star is required to submit all reports, notifications, or other submittals that the Federal RCRA permit requires, except as otherwise specified in the permit, to the U.S. EPA. It is not necessary for the Lone Star to submit duplicates of all documents to Region 5, unless it is required by this permit.

Change: No Change is made per this comment.

2. First page, first paragraph: Please refer to Lone Star's operation as energy recovery as opposed to treatment.

Response: 40 CFR § 260.10 defines "treatment" as ". . . any method, technique, or process, . . . to change the physical, chemical, or biological character or composition of any hazardous waste . . . or so as to recover energy . . ." The burning of the hazardous waste in the cement kiln is defined as a "thermal treatment". The "energy recovery" operation which Lone Star prefers to use would be considered as a purpose of such thermal treatment operation. Therefore, the word "treatment" would be more suitable word to describe the operation of the Lone Star.

Change: No Change is made per this comment.

3. Page 14 of 21, II.K.1, Operating Record: 40 CFR § 102(e)(8) does not apply to Lone Star. Requirements under this section are regulated by 40 CFR § 63 Subpart EEE, Hazardous Waste Combustor NESHAP. Please delete this reference.

Response: The U.S. EPA will accept this comment and will modify the draft permit accordingly.

Change: Section II.K.1, **Operating Record**, Page 14 of 21: “You must maintain a written . . . 40 CFR §§ 264.73 and 266.102(e)(8).” will be changed to “You must maintain a written . . . 40 CFR § 264.73.”

4. Page 20 of 21, III.E: Throughout the permit, references are made to 40 CFR § 266.102. Only certain requirements of the section apply to Lone Star. Please specify what sections of 40 CFR § 266.102 are applicable.

Response: The permit clearly requires compliance with only the *applicable* requirements of 40 CFR § 266.102 (See Sections I.I.1 and I.J.2. of the permit). Because Lone Star is complying with the MACT requirements in the Title V permit, most of the requirements of 40 CFR § 266.102 are not applicable. The Permittee is responsible to identify and comply with the applicable requirements. The applicable requirements would include 40 CFR §§ 266.102(e)(7)(iii) (changes), 266.102(e)(10) (recordkeeping), and 266.102(e)(11) (closure), as specified in the permit

Change: No Change is made per this comment.

5. Page 21 of 21, III.F Risk assessment Update: Testing for the risk assessment was conducted in 2001 and additional testing was conducted in 2004 when Lone Star began burning HWF in the calciner. There is no speciation of volatiles and semivolatiles required for the upcoming MACT testing. Lone Star has completed all required testing and evaluations with reference to the risk assessment. Please remove the requirement to update the risk assessment.

Response: The permit condition requires that the risk assessment be updated “as necessary” in conjunction with any new compliance test. This provision is necessary because if a site-specific risk assessment demonstrates that operation in accordance with the MACT standard is not protective of human health and the environment, it is required that the RCRA permit should include additional conditions as specified in 40 CFR § 270.32(b). However, if the upcoming MACT test conditions and risk assessment assumptions are similar to those used previously, then an update of the risk assessment would not be necessary.

Change: No Change is made per this comment.