

# BIRF Rails Project

## 40 CFR 270 Review

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In accordance with 40 CFR 270.42.c requirements for Class 2 permit modifications, Cardno reviewed 40 CFR 270.13, 14, 15, 16, 17, 18, 19, 20, 21, 62, and 63 in anticipation of revising Montana Hazardous Waste Permit MTHWP-17-1 for the ExxonMobil Billings Refinery in Billings, Montana. The permit revision is necessary to incorporate changes to the New East Land Treatment Unit (NELTU) and Old East Land Treatment Unit (OELTU) as a result of a new railroad development project. Below please find a summary of the CFR sections (*italicized*) that may be applicable to the railroad development project and permit revision, followed by the actions taken to satisfy these requirements (plain text).

### **270.13: Contents of Part A of the permit application**

- (g) An indication of whether the *facility* is new or existing and whether it is a first or revised *application*.
  - The facility is existing and the permit application is a revision.
- (h) For existing facilities, (1) a scale drawing of the *facility* showing the location of all past, present, and future *treatment, storage, and disposal* areas; and (2) photographs of the *facility* clearly delineating all existing structures; existing *treatment, storage, and disposal* areas; and *sites* of future *treatment, storage, and disposal* areas.
  - A scale drawing of the final as-built affected area of the facility and photographs showing the boundaries of the NELTU and former OELTU will be provided. A generalized scale drawing of the planned development is included in the permit modification request.
- (k) A listing of all *permits* or construction approvals received or applied for under any of the following programs:
  - A listing of all permits or construction approvals associated with the railroad development project will be provided. In addition to the RCRA Permit modification, a Montana DEQ Stormwater Construction General Permit will be obtained. An updated list of permits applied for and/or received will be provided upon completion of grading plans.
  - Depending on the final grading plan, USACE 404 and County Floodplain permits may be needed.
- (l) A topographic map (or other map if a topographic map is unavailable) extending one mile beyond the property boundaries of the source, depicting the *facility* and each of its intake and discharge structures; each of its *hazardous waste treatment, storage, or disposal* facilities; each *well* where fluids from the *facility* are injected underground; and those *wells, springs, other surface water bodies, and drinking water wells* listed in public *records* or otherwise known to the applicant within 1/4 mile of the *facility* property boundary.
  - Finished topographic maps of these areas were provided in the original Part B Permit application and these maps are included with this Modification by reference. A new draft topographic map of the Rails Project area is provided with this application. The existing topographic map for the facility will be updated to include modifications upon completion of the Rails Project.

### **270.14: Contents of Part B: general requirements**

- (b)(7) A copy of the *contingency plan* required by part 264, subpart D. Note: Include, where applicable, as part of the *contingency plan*, specific requirements in §§ 264.227, 264.255, and 264.200.

- Changes to the contingency plan are not anticipated at this time. If modifications are made to the contingency plan to accommodate the railroad development project, a copy of the modified contingency plan will be submitted within 30 days of project completion.
- (b)(13) A copy of the [closure plan](#) and, where applicable, the post-closure [plan](#) required by [§§ 264.112](#), 264.118, and 264.197. Include, where applicable, as part of the plans, specific requirements in [§§ 264.178](#), 264.197, 264.228, 264.258, 264.280, 264.310, 264.351, 264.601, and 264.603.
  - This application is for a modification to the post-closure plan, Module IV of the Permit.
- (b)(14) For [hazardous waste disposal](#) units that have been closed, documentation that notices required under [§ 264.119](#) have been filed.
  - These notices were completed at closure in 2011, as documented in ExxonMobil's letter dated October 10, 2011.
- (b)(16) Where applicable, the most recent post-closure cost estimate for the [facility](#) prepared in accordance with [§ 264.144](#) plus a copy of the documentation required to demonstrate financial assurance under [§ 264.145](#). For a new [facility](#), a copy of the required documentation may be submitted 60 days prior to the initial receipt of hazardous wastes, if that is later than the submission of the part B.
  - No modification is anticipated to the detailed cost estimate for closure, post-closure care, and facility-wide corrective action at the ExxonMobil Refinery located in Billings, Montana (ExxonMobil Billings Refinery), pursuant to 40 Code of Federal Regulations (CFR) 264.142 and 40 CFR 264.144 (2014 version) respectively, as adopted by DEQ in the Administrative Rules of Montana, 17.53.801, and Condition I.G.2. of ExxonMobil's Hazardous Waste Permit (MTHWP-17-01).
- (b)(19) A topographic map showing a distance of 1,000 feet around the [facility](#) at a scale of 2.5 centimeters (1 inch) equal to not more than 61.0 meters (200 feet). Contours must be shown on the map. The contour interval must be sufficient to clearly show the pattern of surface water flow in the vicinity of and from each operational unit of the [facility](#). For example, contours with an interval of 1.5 meters (5 feet), if relief is greater than 6.1 meters (20 feet), or an interval of 0.6 meters (2 feet), if relief is less than 6.1 meters (20 feet). [Owners](#) and [operators](#) of HWM facilities located in mountainous areas should use large contour intervals to adequately show topographic profiles of facilities. The map shall clearly show the following:
  - (i) Map scale and date.
  - (ii) 100-year floodplain area.
  - (iii) Surface waters including intermittent streams.
  - (iv) Surrounding [land](#) uses (residential, commercial, agricultural, recreational).
  - (v) A wind rose (i.e., prevailing wind-speed and direction).
  - (vi) Orientation of the map (north arrow).
  - (vii) Legal boundaries of the [HWM facility site](#).
  - (viii) Access control (fences, gates).
  - (ix) Injection and withdrawal [wells](#) both [on-site](#) and [off-site](#).
  - (x) Buildings; [treatment](#), [storage](#), or [disposal](#) operations; or other structure (recreation areas, runoff control systems, access and internal roads, storm, sanitary, and process sewerage systems, loading and unloading areas, fire control facilities, etc.)
  - (xi) [Barriers](#) for drainage or flood control.
  - (xii) Location of operational units within the [HWM facility site](#), where [hazardous waste](#) is (or will be) treated, stored, or disposed (include equipment cleanup areas).
  - Finished topographic maps of these areas were provided in the original Part B Permit application and these maps are included with this Modification by reference. A new draft topographic map of the Rails Project area is provided with this application. The existing topographic map associated with the Permit will be updated to include modifications upon completion of the Rails Project.

- (2) Identification of the [uppermost aquifer](#) and [aquifers](#) hydraulically interconnected beneath the [facility](#) property, including ground-water flow direction and rate, and the basis for such identification (i.e., the information obtained from hydrogeologic investigations of the [facility](#) area).
  - It is not necessary to amend this section.
- (c)(3) On the topographic map required under [paragraph \(b\)\(19\)](#) of this section, a delineation of the waste management area, the property boundary, the proposed “point of compliance” as defined under § 264.95, the proposed location of ground-water monitoring [wells](#) as required under § 264.97, and, to the extent possible, the information required in [paragraph \(c\)\(2\)](#) of this section.
  - Groundwater monitoring wells will be destroyed, installed, and/or modified during railroad construction activities to maintain a complete monitoring network. A map showing the revised locations of “point of compliance” and upgradient wells will be provided.

### **270.15: Specific part B information requirements for containers**

This section is not applicable to the railroad development project.

### **270.16: Specific part B information requirements for tanks**

This section is not applicable to the railroad development project.

### **270.17: Specific part B information requirements for surface impoundments**

This section is not applicable to the railroad development project.

### **270.18: Specific part B information requirements for waste piles**

This section is not applicable to the railroad development project.

### **270.19: Specific part B information requirements for incinerators**

This section is not applicable to the railroad development project.

### **270.20: Specific part B information requirements for land treatment facilities**

- (c) A description of how the unit is or will be designed, constructed, operated, and maintained in order to meet the requirements of [§ 264.273](#). This submission must address the following items:
  - (1) Control of [run-on](#);
  - (2) Collection and control of [run-off](#);
  - (3) Minimization of [run-off](#) of hazardous constituents from the [treatment zone](#);
  - (4) Management of collection and holding facilities associated with [run-on](#) and [run-off](#) control systems;
  - (5) Periodic inspection of the unit. This information should be included in the inspection [plan](#) submitted under [§ 270.14\(b\)\(5\)](#);

(6) *Control of wind dispersal of particulate matter, if applicable*

- Details are provided in the Work Plan, which is part of this submission.

(f) *A description of the vegetative cover to be applied to closed portions of the [facility](#), and a [plan](#) for maintaining such cover during the post-closure care period, as required under [§§ 264.280\(a\)\(8\)](#) and 264.280(c)(2). This information should be included in the [closure plan](#) and, where applicable, the post-closure care [plan](#) submitted under [§ 270.14\(b\)\(13\)](#);*

- Details are provided in the Work Plan, which is part of this submission.

**270.21: Specific part B information requirements for landfills**

This section is not applicable to the railroad development project.

**270.62: Hazardous waste incinerator permits**

This section is not applicable to the railroad development project.

**270.63: Permits for land treatment demonstrations using field test or laboratory analyses**

This section is not applicable to the railroad development project.