1410 N Hilton Street
Boise, ID 83706 • (208) 373-0502

Brad Little, Governor
Jess Byrne, Director

VARIANCE

FROM HAZARDOUS WASTE

TREATMENT STORAGE OR DISPOSAL FACILITY

PERMITTING REQUIREMENTS

Issue To: **P. Kay Metal Lewiston, LLC**
152 Southport Avenue
Lewiston, ID 83501
EPA Identification Number: IDR000205476

Effective: **Date**

Expires: **Date**

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Pursuant to Idaho Code § 39-4409(7) and IDAPA 58.01.05.356, the Director, Idaho Department of Environmental Quality, has determined that a Variance is required to avert unnecessary and significant hardship, is not inconsistent with Environmental Protection Agency requirements, and will not create a nuisance or hazard to the public health, safety, or the environment. P. Kay Metal Lewiston, LLC ("P. Kay") is authorized to accept shipments of lead bearing hazardous secondary material for reclamation at this facility. The lead bearing materials may be shipped by the originator from outside the State of Idaho using a uniform hazardous waste manifest with federal hazardous waste code D008 or other state-specific code due to regulatory requirements in the originator's state, that are not applicable in Idaho. P. Kay will only receive and process shipments of lead bearing materials if the materials are exempt or excluded from regulation as hazardous waste under Idaho's Rules and Standards for Hazardous Waste and can be managed as hazardous secondary material pursuant to IDAPA 58.01.05.005 [40 CFR Part 261].

Any storage, treatment, or disposal of hazardous waste by P. Kay, at this facility, that is not authorized by this Variance or by IDAPA 58.01.05.006 [40 CFR Part 262], and for which a permit is required under Idaho Code § 39-4409 or Section 3005 of the Resource Conservation and Recovery Act (RCRA), is prohibited.

P. Kay must apply for a new Variance in accordance with IDAPA 58.01.05.356 at least 120 calendar days prior to the expiration date of this Variance. Except as renewed, modified, revoked, reissued, or terminated by the Director, this Variance shall automatically expire one (1) year from the effective date of this Variance. This Variance and all conditions herein shall continue in force until the effective date of a new variance, if P. Kay has submitted a timely complete application and through no fault of P. Kay, the Director has neither issued nor denied a new variance under IDAPA 58.01.05.356 on or before the expiration date of this Variance.

P. Kay shall maintain at the facility the following documents and amendments, and revisions or modifications to these documents:

- A complete copy of this Variance, including all attachments, figures, tables, and modifications.
- Contingency Plan, as required by IDAPA 58.01.05.005 [40 CFR 261.420].
- Closure Plan and Closure Cost Estimate, adjusted annually, as required by IDAPA 58.01.05.005 [40 CFR 261.142].
- Financial Assurance documentation of at least the amount of the Closure Cost Estimate, as required by IDAPA 58.01.05.005 [40 CFR 261.143 and 40 CFR 261.151].
- Liability Insurance documentation maintaining liability coverage for sudden accidental occurrences in the amount of at least $1 million per occurrence, with an annual aggregate of at least $2 million, and liability coverage for non-sudden accidental occurrences in the amount of at least $3 million per occurrence, with an annual aggregate of at least $6 minion, exclusive of legal defense costs, as required by IDAPA 58.01.05.005 [40 CFR 261.147(a) and (b) and 40 CFR 261.151].
- A Copy of the Variance Application dated September 30, 2025.

P. Kay shall follow the procedures for using the Manifest System and identifying and resolving manifest discrepancies, in accordance with IDAPA 58.01.05.009 [40 CFR 265.71 and 265.72].

The following reports shall be submitted to the Department:

- Electronic copies of uniform hazardous waste manifests received, submitted to the Director 30 days after each calendar quarter.

_____ _____

Date

Jess Byrne, Director
Department of Environmental Quality

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