UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 5
77 WEST JACKSON BOULEVARD
CHICAGO, IL 60604-3590

FEB 2 2 2016

REPLY TO THE ATTENTION OF

CERTIFIED NO.:
RETURN RECEIPT REQUESTED

David G. Dempsey
Environmental, Health and Safety Manager
USA Lamp & Ballast Recycling, Inc.
Cleanlites Recycling, Inc.
195 Ben Abi Road
Spartanburg, SC 29307

Re: Notice of Deficiency on Cleanlites Recycling, Inc.'s August 2015 Application for Permit to Store Polychlorinated Biphenyls (PCB) and PCB Containing Items for Disposal

Dear Mr. Dempsey:

The U.S. Environmental Protection Agency has reviewed your August 2015 request for an approval to operate as a PCB Commercial Storer under 40 CFR § 761.65 at your facility in Mason, Michigan. EPA has also reviewed your Spill Prevention, Control, and Countermeasure (SPCC) Plan received in January 2016. You requested to store PCBs at concentrations of 50 parts per million (ppm) or greater for disposal up to one year. Your request consisted of a cover letter from Cleanlites Recycling, Inc. and Application for Permit to Store PCBs and PCB Containing Items for Disposal.

Under 40 CFR § 761.65, the EPA may approve your application if the operations of the commercial storage facility will not pose an unreasonable risk of injury to health or the environment. The August 2015 application submitted by Cleanlites Recycling, Inc. does not provide sufficient information, or the information provided is in need of clarification, for EPA to make an unreasonable risk determination. In order for EPA to make a risk determination based upon the PCB storage proposed in the application, Cleanlites Recycling, Inc. will need to address the comments provided in the attachment to this letter.

At this time, EPA requires the information stated above to complete the review and process your application. This required information must be provided within 30 days from the date of receipt

Recycled/Recyclable • Printed with Vegetable Oil Based Inks on 100% Recycled Paper (100% Post-Consumer)

of this letter. If you are unable to provide the required information within the allotted time, you may request an extension, listing the reasons for your request and indicating when the requested information can be provided. Failure to provide the information by the required date or failure to request and obtain an extension will result in the EPA issuing a denial of your 40 CFR § 761.65 application for commercial storage of PCBs. Submittal of this information does not ensure approval nor does it preclude us from requiring additional information if continued review indicates it is needed. In addition, the SPCC Plan review does not constitute an approval of the plan, nor does it preclude EPA from performing future inspections or enforcement.

The information should be submitted to Lisa Graczyk, of my staff, at the above address. If you have any questions regarding this letter or any of the information requested, please contact Lisa Graczyk at (312) 353-3219.

Sincerely,

Mary S. Setnicar
Chief
RCRA/TSCA Programs Section

Attachment: EPA Comments on the Cleanlites Recycling, Inc Application for Permit to Store PCBs and PCB Containing Items for Disposal and the SPCC Plan

cc: Lisa Graczyk, EPA, LR-8J
Jamie Julien, EPA, SE-5J
Michael Kimmel, Cleanlites Recycling, Inc.

ATTACHMENT

EPA Comments on Cleanlites Recycling, Inc.'s Application for Permit to Store PCBs and PCB Containing Items for Disposal (Dated August 2015)

The following comments are based on a review of Cleanlites Recycling, Inc.'s (Cleanlites) Application for Permit to Store PCBs and PCB Containing Items for Disposal, dated August 2015 for the Cleanlites facility located in Mason, Michigan. The review was conducted to determine whether the Approval Application meets the requirements of 40 CFR § 761.65, 761.79, and 761.180. These comments describe in detail what is missing or deficient in the Approval Application.

1. **Owner.** It is unclear who the owners are. Is Mr. Harland Drumm the sole owner of the Cleanlites facility in Mason, MI? If not, please identify other owners with more than a 5% ownership of the company. The application needs to clearly state "… all general partners of a partnership, any stockholder of a corporation or any participant in any other type of business organization or entity who **owns or controls**, directly or indirectly, more than 5 percent of each partnership, corporation, or other business organization…" in accordance with 40 CFR § 761.65(d)(3)(i).
2. **Certification Statement.** This statement needs to match the text in 40 CFR § 761.3. The first sentence of Cleanlites' certification states "… I certify that the information contained in or accompanying the above two paragraphs (PCB Storage Unit and PCB Temporary Storage) of this document is true, accurate, and completed to the best of my knowledge or belief." The two paragraphs above the certification statement describe checking leaks weekly in the temporary storage area and routine sampling. Change "the above two paragraphs (PCB Storage Unit and PCB Temporary Storage) of this document" to "this document" in accordance with 40 CFR § 761.3.
3. **Introduction.** The first paragraph and third paragraphs on page 1 indicate that Cleanlites wants to modify their PCB Transporter "permit" to include PCB Storage. The EPA does not issue PCB Transporter permits but does issue an EPA identification number when notified of PCB transporter activity in accordance with 40 CFR § 761.205. A PCB Storage Approval is separate from the PCB Transporter requirements. Revise this section to clarify that this is not a permit modification, but rather an application for approval of commercial storage of PCBs.
4. **PCB Storage Unit – 761.65(b).** The first paragraph on Page 3 states "(see photograph)" but no photograph is provided. Please provide the photograph or else delete the reference.
5. **Table 1. Closure Cost Calculation.** The hours listed are too low. There are 8 hours for cleanup and decontamination for two personnel. Closure tasks would also include grid sampling, soil sampling, and office work to prepare a workplan, review analytical data, and prepare a final report. In addition, if cleanup confirmation analytical show contamination above screening level, additional hours would be needed for additional decontamination. In accordance with 40 CFR § 761.65(f)(1)(ii), the closure cost shall be

based on "the costs to the owner or operator of hiring a third party to close the facility." Provide a third party cost estimate for closure.

6. **PCB Temporary Storage – 761.65(c).** The 30-day temporary storage provision in 40 CFR § 761.65(c) applies only to generators of PCB waste items, not commercial storage facilities, since they are the only ones who have access to the PCB Items immediately after their removal from service for disposal. Revise this section accordingly.

7. **Appendix J, Closure Plan, General Comments.** In accordance with 40 CFR § 761.65(e)(1)(iii), the Closure Plan is required to provide "an estimate of the maximum inventory of PCB wastes that could be handled at one time at the facility over its active life." This information is equivalent to your maximum PCB storage capacity stated in the application; however, it is not present in the Closure Plan and must be included.

8. **Appendix J, Closure Plan, Section 3.0, Closure Schedule.** Closure Event No. 7 discusses decontamination and includes laboratories as part of this. EPA is unaware of a laboratory present at the facility. The laboratory and its function should be mentioned in the facility description areas of the application and the Closure Plan. If there is no laboratory at the facility, then delete "laboratories" from Closure Event No. 7.

9. **Appendix J, Closure Plan, Section 6.20b, Pre-Cleanup Survey and Screening.** It is assumed that the purpose of this section is to describe the sampling necessary to determine what areas need to be decontaminated; however, it is not explicitly stated. Clearly state in the first sentence of this section the purpose of the pre-cleanup survey and screening.

10. **Appendix J, Closure Plan, Section 6.20b, Pre-Cleanup Survey and Screening**. The grid sampling scheme described in this section is unclear and there is no mention of the type of samples to be collected (i.e., wipe, soil, etc.). The sampling scheme needs to be laid out more clearly in this section. A suggestion is to include figures and/or tables to summarize the area to be sampled (i.e. loading dock), size of the area, description of matrix or surface to sample (i.e. non-porous surface, porous surface, soil), sample type (i.e. wipe), grid spacing if applicable, number of samples, analyses, screening level, etcetera. See Subpart N of 40 CFR Part 761 for minimum requirements for characterization sampling.

11. **Appendix J, Closure Plan, Section 6.20b, Pre-Cleanup Survey and Screening**. Heavy equipment used to handle PCB containers or to perform closure activities should be wipe sampled. Wipe samples of heavy equipment should be added to the list in Section 6.20b and Table 1, Closure Cost Calculation, should be updated accordingly.

12. **Appendix J, Closure Plan, Section 6.20c, Results.** The last sentence of this section states "decontamination will be in accordance with 40 CFR § 761.65(b) found in Attachment 2." 40 CFR § 761.65(b) does not discuss decontamination. Decontamination is found under 40 CFR § 761.79. Revise this sentence to include the proper reference.

13. **Appendix J, Closure Plan, Section 6.20c, Results**. The last paragraph discusses the collection of four soil samples and then states that decontamination will be conducted in accordance with Attachment 2. There is no screening level for soil samples listed in this section. At what soil concentration, will a cleanup be necessary? Additionally, procedures for soil excavation should be in the Closure Plan if they are needed.

14. **Appendix J, Closure Plan, Attachment 4, Quality Assurance/Quality Control**. The last page lists the incorrect current method number for PCB analysis. SW-846 Method 8080 should be changed to SW-846 Method 8082A.

15. **Spill Prevention, Control, and Countermeasure (SPCC) Plan. Professional Engineer Certification [40 CFR § 112.3(d)].** The certification is missing the following components:

    - Citation of applicable industry standards in addition to good engineering practices in (c), and
    - Statement that the "Plan is adequate to the facility".

16. **SPCC Plan. Management Approval.** The management approval is missing a statement that "the SPCC Plan has the full approval of management."

17. **SPCC Plan, Section 3.0.** The primary coordinator is mentioned throughout the Plan but never identified in the text. Identify who the primary coordinator is in the introduction sentence in Section 3.0.

18. **SPCC Plan, Section 4. [40 CFR § 112.7(a)(3)]**. The SPCC Plan should include a description of the physical layout of the facility as it relates to Figure 4, Facility Diagram and should include the following:

    - The location and contents of each oil storage container, or group of containers. The facility diagram identifies five (5) storage areas. With the exception of the "PCB Storage Container" it is unclear whether any other storage area contains oil.

    - The location of any oil-filled operational equipment as defined in 40 CFR §112.2. In the event the facility does not have regulated oil-filled operational equipment, including non-PCB oil, this should be defined in the SPCC Plan.

    - A statement as to whether other oil-filled operational equipment (e.g. manufacturing equipment, transformer) is present at the facility, and if so, the location.

    - A statement as to whether trucks containing oil in regulated amounts are parked overnight at the facility, and if so, their location.

19. **SPCC Plan, Table 1 [40 CFR § 112.7(a)(3)((i)].** For each oil storage area, Table 1 needs to list the 55-gallon containers or larger that containing oil including the PCB-containing ballasts. Table 1 needs to list the container type (e.g., 55-gallon drum), maximum number of containers to be stored at one time, type of oil stored, and total maximum volume (capacity) to be stored at one time. If applicable, Table 1 should include any regulated oil-filled operational equipment.

20. **SPCC Plan, Table 1 [40 CFR § 112.7(a)(3)((i)].** The PCB Storage Application states that PCB storage unit can store up to 48 drums but footnote 2 in Table 1 only lists 32 drums. Revise the quantities in this table to the correct capacity.

21. **SPCC Plan, Section 4.5[40 CFR § 112.7(a)(3)((ii)] .** Item "c" in this section states that written procedures are maintained and followed for loading and unloading operations. Include these written procedures as an appendix to the Plan.

22. **SPCC Plan, Section 4.6 [40 CFR § 112.7(a)(3)((iii)].** The first paragraph should further describe the spill containment for all oil storage (built-in containment sump and containment pallets).

23. **SPCC Plan, Section 4.11.** 40 CFR § 112.7(b) states to "... include in your Plan a prediction of the direction, rate of flow, and total quantity of oil which could be discharged from the facility as a result of each type of major equipment failure." Predictions of what may potentially happen are not included in the Plan. For example, during ballast and drum handling, there might be a potential for spills. If so, where would this happen, what would the potential quantity be, and where would it flow to? When discussing flow, consider drainage or flow during a rain event.

24. **SPCC Plan, Section 4.12 [40 CFR § 112.7(c)].** The SPCC Plan should define each containment area where oil containers are stored, except for certain qualified operational equipment. The Plan should identify the largest single container, the type of containment provided (e.g. dike, berm, retaining wall, drip pan), and the volume of the containment. The method, design and capacity for the secondary containment should be described as it pertains to prevention of oil discharges. Where appropriate, calculations of containment volumes should be included. The SPCC Plan identifies the "storage unit" with built-in containment as a diked area. It is unclear how this diked area is managed in the event of an oil spill.

25. **SPCC Plan, Qualified Oil-Filled Operational Equipment [40 CFR § 112.7(k)].** The SPCC Plan should include a statement as to the presence of oil-filled operational equipment (e.g. transformer) and if the requirements of this subsection are applicable how the facility intends to comply with the regulatory requirements.

26. **SPCC Plan, Section 5.1, Facility Drainage [40 CFR § 112.12(b)].** Section 4.4 states that "there are no drains from the building and the curbed pad has a drain pipe with a valve locked shut." Sections 4.6 and 4.11 state that "as shown in Table 1, all secondary containment structures are under roof and have closed and locked valves that prevent unwanted discharges from entering the storm water system." This section should describe the facility drainage including the locked valves at specific points that prevent runoff to the storm sewers and drainage ditch. Reference to the Facility Diagram would be helpful.

    Under Facility Drainage Systems, the Plan states that Cleanlites has no drain system within its facility. However, according to Section 4.4, the curbed pad has a drain pipe associated with it.

27. **SPCC Plan, Facility Drainage [40 CFR § 112.8(b)(1) to (5)].** The SPCC Plan should identify each diked and undiked area with a potential for discharge at the facility and identify how discharges of oil are restrained or retained. The Plan states that any spilled

material outside the facility will move through the storm water system and into the drainage ditch. This is unacceptable. Spilled PCB oil must not enter the storm sewer. Describe the stormwater system including the location of the storm sewer. Also describe how a spill would be prevented (i.e. by the storage building which acts as the secondary containment for the drums of PCB light ballasts).

28. **SPCC Plan, Section 5.2, Bulk Storage Containers [40 CFR § 112.8(c)(1) to (5)].** This section states that Cleanlites has no bulk containers on site. In 40 CFR § 112.3, bulk storage container is defined as "any container used to store oil." The 55-gallon drums used to store PCB ballasts and any other container with a capacity of 55 gallons or greater are considered bulk storage containers for the regulations contained in 40 CFR Part 112. Therefore, 40 CFR § 112.8 (c) and 112.12(c) do apply to Cleanites. Revise this section accordingly.