UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 5

In the Matter of:	)	
	)	
Solomon Corporation	)	**Approval to Commercially Store**
1961 Vena Court	)	**Polychlorinated Biphenyls (PCBs)**
Prairie du Chien, Wisconsin 53821	)	**Pursuant to 40 C.F.R. § 761.65(d)**
WIW 000 157 685	)	
	)	

AUTHORITY

This Approval to Commercially Store Polychlorinated Biphenyls (PCB) Waste is issued pursuant to section 6(e)(1) of the Toxic Substances Control Act (TSCA), 15 U.S.C. § 2605(e)(1), and 40 C.F.R. part 761 (Polychlorinated Biphenyls (PCBs) Manufacturing, Processing, Distribution in Commerce, and Use Prohibitions (PCB Regulation)).

BACKGROUND

Section 6(e)(1)(A) of TSCA, 15 U.S.C. § 2605(e)(1)(A), requires that the United States Environmental Protection Agency (EPA) promulgate rules for the disposal of PCBs. Rules implementing TSCA section 6(e) were published in the May 31, 1979 Federal Register (44 Fed. Reg. 31,542) and recodified in the May 6, 1982 Federal Register (47 Fed. Reg. 19,527). Those rules also regulated the storage of PCB waste prior to disposal under the TSCA section 6(e)(1) disposal authority for PCBs. Amendments to those rules were published in the December 21, 1989 Federal Register (54 Fed. Reg. 52,746).

Solomon Corporation (Solomon), headquartered in Solomon, Kansas, repairs, recycles, and re-sells distribution transformers up to 2 mega-volt ampere (MVA), as well as voltage regulators, oil circuit reclosers, and other oil-filled equipment. Solomon has a total of four facilities (Kansas, Texas, Colorado, and Tennessee) and recently opened a fifth facility in Prairie du Chien, Wisconsin, in April 2016. The company's facilities recycle approximately 200,000 pieces of equipment annually by disassembling them into metal components and materials. The company has field crews that disassemble large substations and repair substations and equipment for their customers on-site. The company operates three NELAP-accredited PCB analytical laboratories in Kansas, Texas, and Tennessee.

Solomon is applying for permission from EPA Region 5 under the regulations of 40 C.F.R. § 761.65(d) to store PCBs and PCB Items with concentrations greater than 50 parts per million (ppm) at their facility in Prairie du Chien, Wisconsin. The Prairie du Chien facility sits on a 4-acre property with a 20,000 square-foot warehouse where PCB equipment will be stored and

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non-PCB equipment will be repaired and recycled. PCB equipment will be classified as PCB-contaminated (≥50 ppm and <500 ppm total PCBs) or PCB (≥500 ppm total PCBs). All PCB equipment will be stored in the PCB storage area until shipment to the Kansas facility or to a TSCA-approved disposal facility. PCB equipment **will not** be drained or recycled at the Prairie du Chien facility unless the equipment is leaking. Leaking or potentially leaking PCB equipment will be drained into a drum or tote which will be stored in the PCB storage area until shipment to a TSCA-approved disposal facility.

The Application was first submitted to EPA Region 5 on April 4, 2016. On April 27, 2016, EPA issued a Notice of Deficiencies letter to Solomon. Solomon submitted a revised application on May 31, 2016. The May 31, 2016 application from Solomon is the basis for this Approval.

APPLICABLE REGULATIONS

This Approval is developed in accordance with the applicable requirements of the PCB regulations. The rules applicable to the storage for disposal of PCBs at concentrations of 50 ppm or greater and PCB Items with PCB concentrations of 50 ppm or greater are codified at 40 C.F.R. §§ 761.65 (Storage for disposal) and 761.180 (Records and monitoring). Such rules require, among other things, that commercial storers of PCB waste, storing regulated PCB containing material in quantities greater than 500 gallons, obtain a written approval issued by the Regional Administrator for the region in which the storage facility is located. *See* 40 C.F.R. §§ 761.3 and 761.65(d). On July 28, 2014, this authority of the Regional Administrator was delegated to the Director, Land and Chemicals Division, EPA Region 5.

DEFINITIONS

All the terms and abbreviations used in this Approval shall have the meanings as defined in 40 C.F.R. § 761.3 unless the context clearly indicates otherwise or unless the term is defined below for the purposes of this Approval.

"Approval" means EPA's initial approval of the Solomon Application, and any subsequent EPA approved written modifications thereto.

"Application" and "Solomon Application" mean the Solomon Application dated May 31, 2016, and any subsequent Solomon Application that EPA approves in writing as a modification to this Approval.

"Solomon" means Solomon Corporation, the company which owns and operates a PCB commercial storage facility located at 1961 Vena Court, Prairie du Chien, Wisconsin, and which is approved to commercially store PCB waste under this Approval.

"Solomon Facility" and "Facility" mean the PCB commercial storage facility located at 1961

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Vena Court, Prairie du Chien, Wisconsin.

"Delegate" means the Director, Land and Chemicals Division, EPA Region 5.

"Director" means the Director, Land and Chemicals Division, EPA Region 5.

"EPA" means EPA Region 5.

"Regional Administrator" means the Regional Administrator, EPA Region 5.

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APPROVAL

Solomon submitted an Application to EPA to commercially store PCBs and PCB Items for disposal at the Solomon Facility, 1961 Vena Court, Prairie du Chien, Wisconsin, latitude North 43° 04' 39" and longitude West 91° 08' 27". Upon review of the Solomon Application dated May 31, 2016, EPA has determined that all the requirements set forth in 40 C.F.R. § 761.65(d)(2)(i)-(vii) have been met. Specifically, the Application indicates that Solomon operations, storage facility, employee qualifications, closure plans, and financial plans for closure satisfy regulatory requirements. EPA approves the Solomon Application to commercially store PCBs and PCB Items for disposal at the Solomon Facility.

This Approval shall become effective the date the Regional Administrator or his or her delegate signs the Approval and shall expire 10 years from such date, unless suspended, revoked or terminated in accordance with the Approval's provisions, or otherwise authorized under applicable law.

This Approval does not relieve Solomon from compliance with all applicable federal, state, and local regulatory requirements, including the federal PCB regulations at 40 C.F.R. part 761.

_____ Date: _____

Margaret M. Guerriero
Director
Land and Chemicals Division
U.S. Environmental Protection Agency
Region 5

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Solomon Corporation
Prairie du Chien, Wisconsin

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I. STANDARD CONDITIONS

A. Effect of Approval

Solomon may store PCBs and PCB Items in accordance with these Approval Conditions and the federal PCB regulations at 40 C.F.R. part 761. Any storage of PCBs or PCB items not authorized in this Approval is prohibited.

Issuance of this Approval does not convey property rights of any part or any exclusive privilege, nor does it authorize any injury to persons such as the Solomon employees, agents or contractors, any property damage, any invasion of other private rights or any infringement of state or local laws or regulations.

Compliance with these Approval Conditions does not establish a defense to any other law that provides protection from any unreasonable risk to public health and the environment, including the federal PCB regulations at 40 C.F.R. part 761.

This Approval does not relieve Solomon from compliance with all applicable federal, state and local regulatory requirements, including the federal PCB regulations at 40 C.F.R. part 761.

B. Approval Suspension/Revocation

Departure from these Approval Conditions, the approved Application or approved modification(s) to this Approval, the federal PCB regulations, or any other applicable federal, state, or local requirement without a prior written approval by EPA may result in the immediate suspension of this Approval or the commencement of proceedings to revoke this Approval or any other appropriate enforcement actions under any or all applicable statutes and regulations.

This Approval may be suspended or revoked at any time by EPA once the Director determines that the continued operation of Solomon presents an unreasonable risk to human health or the environment.

C. Approval Compliance

Solomon must comply and operate the Facility in accordance with section 6(e) of TSCA, 15 U.S.C § 2605(e), and the PCB Regulations, including the requirements of the PCB Spill Cleanup Policy codified at 40 C.F.R. part 761, subpart G.

This Approval is based on the facts, representations, and certifications made by Solomon in its Application dated May 31, 2016 (incorporated herein by reference). In the event that these

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Approval Conditions are inconsistent with the final approved Application, Solomon must abide by the Approval Conditions stated herein.

D. Severability

The provisions of this Approval are severable, and if any provision of this Approval or if the application of any provision of this Approval is held invalid, the remainder of this Approval shall not be affected thereby.

E. Approval Renewal

To continue the commercial storage of PCBs and PCB Items granted by this Approval after the expiration date of this Approval, Solomon must notify EPA by written notice of intention to continue the Approval at least 180 days, but not more than 270 days prior to the expiration date of this Approval.

The EPA may require Solomon to submit additional information in connection with the renewal of this Approval. EPA shall review the submitted information and determine if this Approval is to be renewed.

F. Approval Expiration

This Approval shall expire 10 years from the date of issuance of this Approval. This Approval and its conditions herein will remain in effect beyond the Approval expiration date if Solomon has submitted a timely, complete and adequate notice of intent to continue the Approval and, through no fault of Solomon, the Regional Administrator or his or her designee has not issued an Approval renewal.

G. Approval Modification

Solomon must notify EPA in writing of any intended modification of this Approval or Solomon's final approved Application. A major modification is defined as any change to the storage areas, the maximum PCB storage inventory, the closure plan, closure cost estimates, the financial plan for closure, or any other changes which affect overall performance or environmental impact. A major modification to this Approval or the final Application shall be modified only upon the written approval of the Regional Administrator or his or her designee.

A minor modification is defined as administrative and informational changes, correction to typographical errors, changes to conform to agency guidance or regulations, or any other change which does not affect overall performance or environmental impact. A minor modification to this Approval or the final Application shall be modified upon the written

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concurrence of the Chief of the RCRA Branch of EPA Region 5.

H. Entry and Inspection

Solomon must allow EPA-authorized representative(s) to, at reasonable times:

1. Inspect Solomon's property to determine compliance with this Approval or the federal PCB regulations;

2. Inspect any records that must be kept relative to this Approval or the federal PCB regulations;

3. Take sample(s) for the purpose of assessing this Approval or the federal PCB regulations; and

4. Inspect Solomon's activities relative to this Approval or the federal PCB regulations.

I. Change in Ownership

EPA will recognize the transfer of this Approval to a new owner/operator if all of the following conditions are met by the date of transfer:

1. The transferee demonstrates it has established financial assurance for closure of the facility pursuant to 40 C.F.R. § 761.65(g) using a mechanism effective as of the date of transfer so that there will be no lapse in financial assurance for closure of the transferred facility.

2. The transferee submits a new and complete Application for final storage approval, including all of the elements listed in 40 C.F.R. § 761.65(d), and the transferee has resolved any deficiencies (e.g. technical operations, closure plans, cost estimates, etc.) that EPA identifies in its application.

3. The transferee submits a signed and notarized affidavit which states that the transferee shall comply with all the terms and conditions of this Approval.

   Failure by Solomon or the transferee to comply with any of the provisions of this condition shall render this Approval null and void.

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J. Inapplicability of Paperwork Reduction Act

Any and all information required to be maintained or submitted pursuant to this Approval is not subject to the Paperwork Reduction Act of 1980, 44 U.S.C. §§ 3501-3520, because it is information collected by EPA from a specific individual or entity for the purpose of assuring compliance with this Approval.

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II. GENERAL FACILITY CONDITIONS

A. Operation of Facility

Solomon must maintain and operate the facility to prevent fire, explosion, or releases of PCBs to air, soil, ground water or surface water.

B. Sampling/Analysis

During any sampling or analysis of PCBs at the Solomon facility, Solomon must follow the procedures described in their Standard Operating Procedure titled *Untested and Quality Control Procedure*, 40 C.F.R. part 761 subparts N, O, and P, or the *EPA Field Manual for Grid Sampling of PCB Spill Sites to Verify Cleanup*, as applicable.

PCB levels for liquid and non-liquid samples must be reported as total PCBs calculated by comparison to the relevant Aroclor standards.

C. Security

Solomon must maintain the 6-foot fence, gate, security cameras, and alarm system; and ensure that the warehouse containing the PCB storage area is locked when the facility is closed or unmanned to restrict public access without an escort by Solomon personnel.

D. Personnel Training

1. All employees hired subsequent to the date of this Approval must be trained, as specified in the worker training program included in the Application under *40 CFR 761.65 (d)(3)(iii) Information Pertaining to Qualification to Operate Commercial Storage Facility* within the first 180 days of employment.

2. Solomon must ensure that personnel, who are directly involved with handling PCBs and PCB Items, are familiar with the requirements of this Approval, and the regulatory requirements under 40 C.F.R. part 761.

E. Safety

Solomon and its employees or contractors must comply with Solomon's corporate Safety Manual.

Solomon must ensure compliance with the applicable health and safety standards, as required by federal, state and local regulations and ordinances.

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F. Spills

1. If in the course of operation, there is a spill or release of one pound or more of pure PCBs (a reportable quantity (RQ) as defined under the Comprehensive Environmental Response Compensation and Liability Act (CERCLA), 40 C.F.R. part 302, Designation Reportable Quantities and Notification) Solomon must notify the National Response Center at (800) 424-8802, and EPA, Region 5, PCB Coordinator. Releases or spills of PCBs below the RQ which pose a potential for significant exposure to humans, animals, or the environment, must be reported to EPA, Region 5, PCB Coordinator, or the Emergency Response Section at (312) 353-2318.

2. A written summary report about this incident must be submitted to EPA within five business days following the incident. When EPA requests a detailed report on the incident, this report must be submitted to EPA within 15 business days following the request. The detailed report must include, but not be limited to, a description of the spill, cleanup activities, and changes in the Solomon operations to prevent such spills in the future (including any intended modifications to this Approval).

3. Cleanup of PCB spills must begin immediately pursuant to 40 C.F.R. part 761, subpart G, PCB Spill Cleanup Policy, or 40 C.F.R. § 761.61, PCB Remediation Waste, as applicable. The cleanup standards in the PCB Spill Cleanup Policy may only be applied for spills of PCBs that are less than 72 hours old.

4. Any debris or solid wastes generated as a result of clean up or decontamination of a PCB spill or release must be disposed of in a facility approved to dispose of PCBs under 40 C.F.R. § 761.60 or 761.61, as applicable.

G. Location Standard

Solomon must notify EPA, Region 5, PCB Coordinator immediately upon discovery that the site has been redesignated as being in a 100-year flood plain.

H. Emergency Procedures

Solomon must, without delay, implement the appropriate measures, as described in Solomon's Safety Manual, whenever there is a fire or any PCB related emergency which could threaten human health or the environment. This plan must be maintained at the facility. The local police and fire departments, hospital and state and local emergency response teams must be informed of facility operations and emergency response plans submitted to these entities as required by them. In such an emergency, Solomon must notify the EPA Region 5, PCB Coordinator, and the Emergency Response Section at (312) 353-2318.

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This plan must be immediately amended by Solomon upon any plan failure in an emergency, change of emergency equipment, change within the facility or with personnel, or any request by EPA, Region 5, RCRA/TSCA Programs Section, and promptly submitted to the EPA, Region 5, RCRA/TSCA Programs Section.

I. Recordkeeping and Reporting

1. All reports and other information requested by EPA must be signed by the facility manager.

2. Solomon must maintain the records of weekly storage inspections and routine sampling, as specified in Condition III, H and I of this Approval, and these records must be made available to EPA upon request.

3. Solomon must retain all records required by this Approval and the federal PCB regulations at 40 C.F.R. part 761 during the course of any unresolved enforcement action regarding the facility or upon request by the Regional Administrator or his or her designee, notwithstanding any other provision of this Approval or the federal PCB regulations at 40 C.F.R. part 761.

4. Solomon shall maintain records and submit annual reports to EPA as required by the PCB Regulations at 40 C.F.R. § 761.180(b). Annual document logs and reports shall be maintained at the facility for at least 3 years after the facility is no longer used for the storage of PCBs and PCB Items.

J. Closure and Financial Requirements

1. Solomon must maintain a closure plan and financial assurance for closure, in accordance with 40 C.F.R. § 761.65(e), (f) and (g), respectively. The facility has filed with the Regional Administrator a closure plan and financial assurance for closure in compliance with the regulatory requirements.

2. When the Regional Administrator or his or her designee approves a modification to the facility's closure plan and that modification increases the cost of closure, Solomon must revise the closure cost estimate and the financial assurance mechanism, if applicable, no later than 30 days after the modification is approved.

3. During the active life of the PCB storage operations, Solomon must annually adjust the closure cost estimate for inflation and for changes beyond control of Solomon which may affect disposal costs.

4. Solomon must submit proof of financial assurance for closure to EPA annually. If EPA

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determines that the amount of financial assurance is inadequate to ensure that the storage of PCBs and PCB Items does not present an unreasonable risk of injury to health or the environment from PCBs, Solomon must obtain additional financial assurance funding. Failure to do so will result in termination of Solomon's authority to commercially store PCBs and may subject Solomon to civil or criminal penalties under TSCA.

5. Solomon shall notify EPA Regional Administrator in writing at least 60 days prior to the date on which closure of the PCB storage is expected to begin in accordance with 40 C.F.R. § 761.65(e)(6)(i). EPA may request a copy of a final closure plan from Solomon at this time and may require modifications to the closure plan.

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III. PCB STORAGE MANAGEMENT

A. Storage Area

All PCBs and PCB Items must be stored in the approved storage areas, as identified below in Condition III.C and on the Facility Diagram in Appendix G of the approved application.

B. Design Requirements of Storage Area

The PCB storage area must be maintained in accordance with this Approval and the final approved application.

C. Maximum PCB Storage

1. PCB Storage Area:

At any given time, Solomon shall store no more than a combined total of 5,100 gallons of PCBs and 175 PCB Items in the PCB storage area as identified in the table below and in the approved Application.

PCB Storage Area	**Type of Waste**	**Maximum PCB Containers/Articles**	**Maximum Volume**
Southwest side of facility building	PCB Articles (transformers and other PCB equipment), liquid and non-liquid PCBs in drums and totes	175 PCB Items	5,100 gallons
		Total:	5,100 gallons

Solomon must maintain updated PCB inventories to ensure that the maximum PCB storage inventories, above, are not exceeded.

Solomon must maintain the PCB storage area to ensure that any cracks or wearing of the epoxy sealant are repaired as needed.

PCB Items means any PCB article, PCB article container, PCB container or PCB equipment, as each term is defined at 40 C.F.R. § 761.3.

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2. Transfer/Transit Areas:

   Solomon shall store PCB Items in vehicles in transportation related areas (such as a roadway or parking area) at Solomon for no more than 10 days from the date of its receipt at Solomon.

3. PCB Items must be labeled with the date they were removed from service for disposal. Alternatively, containers in which the PCB Items are consolidated (i.e. 55-gallon drums) may be labeled by Solomon with the removal-from-service date provided the container is dated with the date the first contained item was removed from service. When containers are labeled in this manner, each individual PCB Item contained is considered to be covered by, and subject to, the date on the container.

D. Containers

PCB containers used by Solomon for storage of PCB items, liquid PCBs, and non-liquid PCBs must be no greater than 330-gallon containers. The PCB containers stored in the PCB Storage Area must be in compliance with the requirements of 40 C.F.R. § 761.65(c)(6) or the Department of Transportation Hazardous Materials Regulations at 49 C.F.R. parts 171-180.

The containers must be marked in the PCB storage areas and shipping/receiving areas so that the required information on the marks, including dates of receipt and dates removed from service for disposal, are clearly and entirely visible at all times.

E. Aisle Space Requirement

Aisle space within the PCB storage areas and within the shipping/receiving areas must be maintained at all times to allow the unobstructed movement of equipment which handles PCB items, personnel, fire protection equipment, spill control equipment and decontamination equipment.

F. Pallet Use and Drum Layer Limit

Pallets may be used to store PCB containers in the PCB storage areas. Solomon may stack pallets of drums (55-gallon capacities) containing liquid or non-liquid PCBs. If drums containing PCBs are stacked, Solomon shall not stack pallets of drums over two layers. In addition: 1) a pallet shall be used beneath each layer of drums, 2) a maximum of four drums will be stored on a pallet, 3) the bottom pallet shall always contain four drums before the second level of drums and pallet are added, and 4) the drums of each layer must be secured by banding (strapping or shrink-wrapping) them together. If any PCB containers are placed on a pallet, they shall be within the pallet edges.

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G. Management of PCB Items

PCB containers and PCB articles at Solomon must always be closed during storage, except when adding and removing their contents, and they must not be opened, handled or stored in a manner which may damage them or cause them to leak.

If any PCB container or PCB article is defective, Solomon must immediately transfer the PCB waste in the container to another container that is properly marked and structurally sound.

H. Inspection Requirement

1. All PCB items and PCB containers in the PCB storage areas, shipping/receiving areas, and transfer/transit areas must be inspected for leaks at least once each week. Any leaking PCB item and its contents must be transferred immediately to properly marked non-leaking containers. Leaked or spilled materials must be instantly and properly cleaned up in accordance with Condition II, F. 3 of this Approval, and the PCB contaminated materials must be adequately disposed of in accordance with 40 C.F.R. § 761.60 or 761.61, as applicable.

2. The integrity of the floor and curbing of the PCB storage area must be inspected once each week.

3. The inspections conducted each week shall be recorded using the form in Appendix B of the approved application.

I. Routine Sampling Requirement

Solomon must monitor surface contamination outside the PCB storage area on a routine basis in accordance with section 2.0 of the Application. The frequency for routine wipe sampling is once every 3 months.

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