

# **Proposed Renewal and Modification of Approval for Commercial Disposal of Polychlorinated Biphenyls**

**US Ecology Idaho, Inc.  
Grand View, Idaho  
U.S. EPA ID: IDD073114654**



**Issued by  
U.S. Environmental Protection Agency, Region 10  
Seattle, Washington**

**Issued July 29, 2022**



**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY**  
**REGION 10**  
**1200 6<sup>th</sup> Avenue**  
**Seattle, WA 98101**

**PROPOSED RENEWAL AND MODIFICATION OF APPROVAL  
FOR A TOXIC SUBSTANCES CONTROL ACT PCB  
COMMERCIAL DISPOSAL FACILITY**

**FACILITY:** US Ecology Idaho, Inc. Site B Facility  
U.S. EPA ID Number: IDD073114654

The United States Environmental Protection Agency, Region 10 (U.S. EPA) is proposing for public comment a renewed and modified Approval (TSCA Approval or Approval) for US Ecology Idaho, Inc. (USEI) to operate its Site B Facility located in Grand View, Idaho. This Approval will allow USEI to (1) continue to operate a commercial polychlorinated biphenyl (PCB) chemical waste landfill facility in Grand View, Idaho (hereinafter Facility or Site B Facility)(see Figure 1, Site Location Map), (2) use an existing Resource Conservation and Recovery Act (RCRA) permitted landfill for PCB disposal (Cell 16) in addition to Cells 14 and 15, (3) temporarily store containerized PCB waste in RCRA permitted hazardous waste storage areas, and (4) solidify, stabilize, micro-encapsulate, and macro-encapsulate PCB containing wastes prior to disposal. This Approval is being issued pursuant to Section 6(e)(1) of the Toxic Substances Control Act (TSCA) of 1976, 15 U.S.C. § 2605(e)(1), and 40 C.F.R. Part 761<sup>1</sup>, including any amendments or revisions thereto.

All the Units authorized by this Approval for PCB waste management are also separately permitted by the State of Idaho to store, treat and dispose of hazardous waste under RCRA. USEI's current State RCRA Permit<sup>2</sup> is administrated by the Idaho Department of Environmental Quality (IDEQ). USEI operates many portions of the Facility for the management of both RCRA and PCB wastes concurrently. Many of the requirements for the Renewal Application and this Approval are consistent with the requirements of USEI's State RCRA Permit. Accordingly, the State RCRA Permit and its Attachments are referenced as necessary throughout this Approval to ensure that these two documents are consistent with one another. The Units being approved for treatment for disposal, temporary storage, and disposal of PCBs are shown in Figure 2, Map of Units Approved for PCB Waste Management.

USEI shall comply with and operate the Facility in accordance with (1) all terms and conditions of this Approval as stated herein, (2) portions of the State RCRA Permit and its attachments that are incorporated by reference into this Approval, (3) the portions of the Renewal Application that are incorporated by reference into this Approval, and (4) the PCB regulations at 40 C.F.R. Part 761 including any future modifications to those regulations. All terms and conditions of this Approval are severable. If any provision of this Approval is determined to be invalid, USEI shall

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<sup>1</sup> The U.S. EPA Administrator delegated authority to issue Approvals under TSCA to the Regional Administrator of Region 10 by U.S. EPA Delegation Order 12-5 issued January 9, 2008. The Regional Administrator further delegated authority to issue Approvals to the Director of the Land, Chemical, and Redevelopment Division by U.S. EPA Regional Order R10-12-5 issued April 15, 2019.

<sup>2</sup> As used throughout this Approval, the term "State RCRA Permit" refers to Permit Number IDD073114654 issued to USEI by the Idaho Department of Environmental Quality on July 28, 2016 and modified on June 28, 2022.

be subject to all remaining conditions as appropriate based on the applicability of those conditions. With respect to the specific Approval conditions, USEI is solely responsible for implementing the operational requirements.

This Approval was developed and issued consistent with the written renewal application titled “US Ecology Idaho, Inc. TSCA Approval Renewal Application” dated July 31, 2021, as revised on June 23, 2022 (collectively the Renewal Application). Inaccuracies or omissions found in the written information provided by USEI as part of its Renewal Application may be grounds for the termination or modification of this Approval.

USEI is currently operating under a Final Approval to manage PCB wastes originally issued by U.S. EPA on September 20, 1991 (1991 Approval) to the previous Owner and Operator of the Facility, Envirosafe of Idaho, Inc. (Envirosafe). On August 6, 1998, Envirosafe submitted a TSCA Approval application to U.S. EPA to renew the 1991 Approval which became effective on November 21, 1991, and was due to expire on December 15, 1998. Submittal of the application to renew the 1991 Approval administratively extended it beyond the expiration date and allowed it to remain in effect until U.S. EPA issues a new Approval. In January 2001, American Ecology purchased the facility from Envirosafe. The facility was renamed US Ecology Idaho, Inc. in May 2001. In a letter dated June 17, 2004, U.S. EPA approved, pursuant to 40 C.F.R. § 761.75(c), USEI’s request to incorporate Landfill Unit - Cell 15 into the 1991 Approval. U.S. EPA is proposing to approve the renewal and modification of this Approval to USEI as the current Owner and Operator of the Facility.

In addition to existing PCB units previously authorized under the 1991 Approval, this Approval authorizes the following new PCB units: Disposal - RCRA permitted landfill Cell 16, Temporary Container Storage - RCRA permitted container storage areas: Pads 4, 5, 7, 8, Outdoor Stabilization Facility, and Truck Aprons 1 and 2 of the Indoor Stabilization Facility. Long-term container storage of PCBs for greater than 30 days is not authorized by this Approval.

Overall, this Approval authorizes USEI to treat for disposal, temporarily store in containers, and dispose of PCB wastes at the Facility as follows:

<b>Unit Name</b>	<b>Type and Number of Units</b>	<b>Authorized Activity</b>	<b>Maximum Total Capacity</b>	<b>Location in Approval</b>
Container Storage Pad 4	1 Container Storage Area	Temporary PCB Storage*	259,754 gallons (4,723 55-gallon drums)	Section V
Container Storage Pad 5	1 Container Storage Area	Temporary PCB Storage*	138,389 gallons (2,516 55-gallon drums)	Section V
Container Storage Pad 7 (RCRA Building)	1 Container Storage Area	Temporary PCB Storage*	182,230 gallons (3,313 55-gallon drums)	Section V

<b>Unit Name</b>	<b>Type and Number of Units</b>	<b>Authorized Activity</b>	<b>Maximum Total Capacity</b>	<b>Location in Approval</b>
Container Storage Pad 8	1 Container Storage Area	Temporary PCB Storage*	231,550 gallons (4,210 55-gallon drums)	Section V
Outdoor Stabilization Facility	1 Container Storage Area	Temporary PCB Storage**	178,232 gallons (3,241 55-gallon drums)	Section V
Truck Aprons 1 and 2 of Indoor Stabilization Building	2 Container Storage Areas	Temporary PCB Storage**	14,100 gallons (256 55-gallon drums)	Section V
Outdoor Stabilization Facility	52 Cubic Yard Roll Off Bins	Stabilization/Solidification Treatment Prior to Disposal	270 tons/hour	Section VI
Outdoor Stabilization Facility	52 Cubic Yard Roll Off Bins	Micro-encapsulation and Macro-encapsulation Treatment Prior to Disposal	Not Included in State RCRA Permit	Section VI
Outdoor Stabilization Facility	52 Cubic Yard Roll Off Bins	Micro-encapsulation and Macro-encapsulation Treatment Prior to Disposal	Not Included in State RCRA Permit	Section VI
Indoor Stabilization Building	2 Mixing Bin Tanks	Stabilization/Solidification Treatment Prior to Disposal	300 tons/hour	Section VI
Indoor Stabilization Building	2 Mixing Bin Tanks	Micro-encapsulation and Macro-encapsulation Treatment Prior to Disposal	Section VI	Section VI
Container Storage Pad 4	Lined Macro-Boxes	Macro-encapsulation Treatment Prior to Disposal	Not Included in State RCRA Permit	Section VI
Container Storage Pad 5	Lined Macro-Boxes	Macro-encapsulation Treatment Prior to Disposal	Section VI	Section VI
Container Storage Pad 7 (RCRA Building)	Lined Macro-Boxes	Macro-encapsulation Treatment Prior to Disposal	Not Included in State RCRA Permit	Section VI

Unit Name	Type and Number of Units	Authorized Activity	Maximum Total Capacity	Location in Approval
Container Storage Pad 8	Lined Macro-Boxes	Macro- encapsulation Treatment Prior to Disposal	Not Included in State RCRA Permit	Section VI
Cell 14	1 Landfill/Multiple Phases	Disposal	2.102 million cubic yards	Section VII
Cell 15	1 Landfill/Multiple Phases	Disposal	4.800 million cubic yards	Section VII
Cell 16	1 Landfill/Multiple Phases	Disposal	10.554 million cubic yards	Section VII

\*Temporary PCB Storage Not to Exceed 30-days

\*\* Temporary PCB Storage Not to Exceed 24-Hours

U.S. EPA has determined, based on agency review of the Renewal Application, that the operation of this PCB disposal (landfill) facility does not pose an unreasonable risk of injury to human health or the environment. U.S. EPA's determination is documented in the Statement of Basis report dated August 29, 2022.

This Approval is effective immediately upon signature and shall remain in effect for 10 years from the original date of issuance unless modified, renewed, suspended or revoked in accordance with 40 C.F.R. Part 761 or the Approval conditions herein. Any amendments to this Approval or to the State RCRA Permit and its attachments that impact this Approval are subject to the Approval modification requirements contained in Subsection VIII.A of this Approval. If USEI wishes to continue an activity allowed by this Approval after the expiration date, USEI shall submit a complete application for renewal to U.S. EPA at least 180 days, but not more than 270 days, prior to the expiration date (see Subsection VIII.D). U.S. EPA may require the submission of additional information in connection with any renewal application. If USEI does not intend to seek a renewal of this Approval after the expiration date, USEI shall submit to U.S. EPA at least 180 days, but not more than 270 days, prior to the expiration date, a revised Closure Plan to initiate the closure process for the Facility (see Subsection VIII.E).

Compliance with this Approval does not relieve USEI of the responsibility to comply with all other applicable federal, state, and local laws and regulations and does not release USEI from any liability it may have with respect to releases of hazardous substances at or from the site.

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Timothy B. Hamlin  
Director  
Land, Chemical, and Redevelopment Division

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Date

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## **I. Introduction**

US Ecology Idaho, Inc. (USEI) is currently operating under a Final Approval to manage PCB wastes originally issued by U.S. EPA on September 20, 1991 with an effective date of November 21, 1991, to the previous owner/operator of the facility, Envirosafe of Idaho, Inc. On August 6, 1998, Envirosafe submitted a TSCA Approval application to U.S. EPA to renew the 1991 Approval which was due to expire on December 15, 1998. Submittal of the application to renew the 1991 Approval administratively extended it beyond the expiration date and allowed it to remain in effect until U.S. EPA issues a new Approval. The facility was renamed US Ecology Idaho, Inc. in May 2001. USEI submitted a renewal application titled “US Ecology Idaho, Inc. TSCA Approval Renewal Application” dated July 31, 2021, as revised on June 23, 2022 (collectively the Renewal Application). U.S. EPA has evaluated the Renewal Application and determined that operation of this disposal facility does not pose an unreasonable risk of injury to health or the environment. U.S. EPA is proposing to approve the renewal and modification of this Approval to USEI as the current Owner and Operator of the Facility.

## **II. Facility Description**

The USEI Facility, which occupies approximately 328 acres, is located approximately 10 miles northwest of Grand View, Idaho on Lemley Road (see Figure 1, Site Location Map). The Facility treats, stores, and disposes of hazardous waste, PCBs, and non-hazardous industrial material. The site is owned and operated by USEI. The Facility is currently operating under a TSCA Approval issued by U.S. EPA on September 10, 1991, with an effective date of November 29, 1991, to treat for disposal, store, and dispose of PCB waste. Additionally, USEI has a separate RCRA permit to treat, store, and dispose of hazardous wastes issued by the IDEQ.

The Facility consists of: (1) four closed pre-RCRA PCB landfills: PCB Trench 1, PCB Trench 2, PCB Trench 3, and PCB Trench 4; (2) three closed RCRA landfills: Cell 5, Trench 10, and Trench 11; (3) three active operating landfills: Cell 14, Cell 15 and Cell 16; and (4) three active surface impoundments to evaporate non-hazardous waste liquid, treated wastewater meeting Land Disposal Restrictions, and stormwater runoff. Other operations at the USEI Facility include: batch stabilization and solidification; macro-encapsulation and micro-encapsulation of hazardous debris; storage of RCRA containerized waste; and temporary storage of PCB containerized waste.

In terms of PCBs, the Facility accepts ballasts, capacitors, drained transformers, solid remediation waste, and other solids containing PCBs such as paint and caulk. The Facility does not accept any liquid PCB wastes or PCB wastes that cannot be landfilled at the Facility. The Facility occasionally will conduct stabilization of contaminated soil that contains PCBs, with the stabilization treatment focused on co-contaminants and not PCBs. The Facility may also encapsulate PCB wastes within the landfill disposal cells. The Facility does not drain/rinse transformers nor conduct any other treatment or processing operations involving PCBs.

## **III. Scope and Limitations of Approval**

1. This Approval designates USEI as the Owner and Operator of the Site B Facility. Before any change of Owner and Operator occurs, USEI shall follow the applicable modification procedures in Section VIII of this Approval.

2. This Approval covers the treatment for disposal of PCB wastes at the following Units: Outdoor Stabilization Facility and Indoor Stabilization Building. This Approval covers the temporary storage of PCB waste at the following Units: Pads 4, 5, 7, and 8, Outdoor Stabilization Facility, and Truck Aprons 1 & 2 of the Indoor Stabilization Building. This Approval covers disposal of PCB wastes at the following Units: Landfill Cells 14, 15 and 16. Transformer draining and flushing of PCB liquids is not authorized by this Approval.
3. The State RCRA Permit and its Attachments, which are issued by the IDEQ, are referenced as necessary throughout this Approval to ensure that these two documents are consistent with one another. If there are any conflicts and/or inconsistencies between USEI's Renewal Application, State RCRA Permit, RCRA Permit Appendices, and this Approval, this Approval shall govern.
4. Compliance with these Approval conditions does not establish a defense to any claim that the Facility presents a risk to human health and the environment, including such a claim under the federal PCB regulations at 40 C.F.R. Part 761.

#### **IV. General Approval Conditions**

##### **A. Approval Compliance**

1. USEI shall comply with and operate the Facility in accordance with (1) all terms and conditions of this Approval as stated herein, (2) portions of the State RCRA Permit and its attachments referenced in this Approval, (3) portions of the Renewal Application referenced in this Approval, and (4) the PCB regulations at 40 C.F.R. Part 761 including any future modifications to those regulations.
2. Any plan, Renewal Application provision, State RCRA Permit Condition, and/or State RCRA Permit Attachment referenced in this Approval is fully incorporated by reference into this Approval and therefore is fully enforceable under the Approval.
3. At least 30 days prior to making a change to a referenced plan, USEI shall notify U.S. EPA in writing and initiate an Approval modification consistent with Subsection VIII.A, Modifications, to incorporate into this Approval the most current version of the referenced plan.
4. USEI must receive prior written authorization from U.S. EPA for any departure from the conditions stated herein (for purposes of this Approval, authorization from U.S. EPA shall mean Director, Land, Chemical and Redevelopment Division, U.S. Environmental Protection Agency, Region 10, or successor organizational units within U.S. EPA Region 10. Any unauthorized departure from the conditions of this Approval is a violation of the terms of the Approval and may subject USEI to an enforcement action under TSCA.
5. USEI shall notify U.S. EPA in writing and obtain prior written approval before instituting changes to any condition in the State RCRA permit which may affect treatment for disposal, temporary storage, and disposal of PCBs.
6. This Approval is binding upon USEI as Owner and Operator of the Site B Facility.

7. Any action of a USEI employee, agent or contractor who is involved in the operation of the Facility will be considered an action of USEI for purposes of compliance with this Approval.
8. Failure to comply with any condition of this Approval is a prohibited act under TSCA Section 15(1), 15 U.S.C. § 2614(1).

## **B. General Requirements**

1. This Approval supersedes all previous Approvals issued by U.S. EPA that regulate PCBs at the USEI Site B Facility.
2. Notwithstanding the terms of this Approval, USEI shall comply with all applicable Federal, State, and local laws and regulations including, but not limited to RCRA as amended (42 U.S.C. 6901 *et seq.*), and the Occupational Safety and Health Act (“OSHA”).
3. USEI shall design, construct, maintain, and operate the Facility to minimize the possibility of a fire, explosion, or any unplanned sudden or non-sudden release of hazardous waste constituents to air, soil, ground water, or surface water that could threaten human health or the environment [40 C.F.R. § 761.65(d)(4)(iv), 40 C.F.R. § 761.75(c)(3)(ii)].
4. A Responsible Official for USEI shall certify any written information submitted to U.S. EPA required under this Approval by using the certification statement found at 40 C.F.R. § 761.3. Unless otherwise required by TSCA, all submissions (including correspondence, reports, records, and notifications) required under this Approval shall be sent in writing to the following address:

Manager, RCRA Corrective Action, Permits and PCB Section  
Land, Chemicals and Redevelopment Division  
U.S. EPA Region 10  
1200 Sixth Avenue, Suite 155, MS 15-H04  
Seattle, WA. 98101

5. All terms and/or conditions of this Approval are severable. If any provision of this Approval is determined to be invalid, USEI shall be subject to all remaining conditions as appropriate based on the applicability of those conditions.
6. USEI shall comply with all relevant TSCA requirements, whether or not they are included in this Approval.
7. USEI shall provide upon request any information that the U.S. EPA deems necessary to determine whether cause exists for modification, suspension, revocation, or termination of this Approval. Failure to provide the above- mentioned information within 5 working days of the request, or such reasonable time not to exceed 30 days as agreed to by both parties, shall be deemed a violation of this Approval unless U.S. EPA determines that additional time is warranted.

8. USEI shall not avoid any otherwise applicable provision of this Approval or TSCA by diluting PCBs, unless specifically allowed by the TSCA regulations [40 C.F.R. § 761.1(b)(5)].
9. USEI shall, at all times, maintain a closure plan for all PCB treatment for disposal, temporary storage, and disposal units that identifies the steps necessary to close each unit in a manner that eliminates the potential for post-closure release of PCBs that may present an unreasonable risk to human health and the environment. The closure plan shall, at a minimum, meet the requirements of 40 C.F.R. § 761.65(e)(1)(i)-(vii) for each PCB unit contained in the closure plan [40 C.F.R. § 761.65(e), 40 C.F.R. § 761.65(d)(4)(iv), 40 C.F.R. § 761.75(c)(3)(ii)].
10. USEI shall, at all times, maintain a post-closure care plan for all active PCB landfill disposal cells plus any other units that have PCB waste remaining in place after closure. The post-closure care plan shall identify the steps necessary to eliminate the potential for releases of PCBs which may present an unreasonable risk to human health and the environment during the post-closure care period [40 C.F.R. § 761.65(d)(4)(iv), 40 C.F.R. § 761.75(c)(3)(ii)].

#### **C. Waste Characterization and Processing**

1. USEI shall meet the requirements of 40 C.F.R. § 761.75(b)(8) and implement the procedures specified in Section 9, Sampling and Monitoring Procedures, and Section 13, Unauthorized Waste Placement, of the Renewal Application and Attachment 2, Waste Analysis Plan, of the State RCRA Permit [40 C.F.R. § 761.65(d)(4)(iv), 40 C.F.R. § 761.75(c)(3)(ii), 40 C.F.R. § 761.75(b)(8)].

#### **D. Personnel Training**

1. USEI shall conduct employee training at the Facility in accordance with the procedures contained in Section 16.3, PCB Personnel Protective Equipment, and Section 17, PCB Personnel Training Program, of the Renewal Application and Attachment 5, Training Program, of the State RCRA Permit [40 C.F.R. § 761.65(d)(4)(iv), 40 C.F.R. § 761.75(c)(3)(ii)].

#### **E. Health and Safety Requirements**

1. USEI shall at all times follow the most current version of the Facility Health and Safety Plan [40 C.F.R. § 761.65(d)(4)(iv), 40 C.F.R. § 761.75(c)(3)(ii)].
2. USEI shall conduct all PCB related work at the Facility in accordance with the regulations and guidelines contained in the rules cited below including any future modifications to those rules [40 C.F.R. § 761.65(d)(4)(iv), 40 C.F.R. § 761.75(c)(3)(ii)]:
  - a. OSHA Title 29 C.F.R. § 1910 “Safety and Health Regulations for General Industry”;
  - b. OSHA Title 29 C.F.R. § 1926 “Safety and Health Regulations for Construction”; and
  - c. OSHA Title 29 C.F.R. § 1926.65 “Hazardous Waste Operations and Emergency Response”.
3. USEI shall ensure that personnel handling PCB waste use appropriate Personal Protective Equipment [40 C.F.R. § 761.60(b)(8), 40 C.F.R. § 761.79(e)(2)].

## **F. Emergency Preparedness and Spill Cleanup**

1. USEI shall clean up and adequately address any and all spills of PCBs at the Facility in accordance with 40 C.F.R. Part 761, Subpart G - PCB Spill Cleanup Policy, 40 C.F.R. § 761.61 and 40 C.F.R. § 761.79.
2. USEI shall conduct emergency response and spill prevention and cleanup activities at the Facility in accordance with the procedures contained in Section 16.4, Emergency Contingency Plan, of the Renewal Application and the RCRA Contingency Plan contained in Attachment 7 of the State RCRA Permit [40 C.F.R. § 761.65(c)(7)(ii), 40 C.F.R. § 761.65(d)(4)(iv), 40 C.F.R. § 761.75(c)(3)(ii)].
3. USEI shall either verbally report to U.S. EPA or provide an email notice to U.S. EPA of any incident involving PCBs that requires implementation of the RCRA Contingency Plan. The verbal notification or email shall be made/sent to:

Manager, RCRA Corrective Action, Permits and PCB Section  
Land, Chemicals and Redevelopment Division  
U.S. EPA Region 10  
1200 Sixth Avenue, Suite 155, MS 15-H04  
Seattle, WA. 98101  
206-553-1616  
[epa-seattle@epa.gov](mailto:epa-seattle@epa.gov)

The verbal notification or email shall occur as soon as possible after USEI becomes aware of the incident, but no later than 24 hours or by noon of the next business day, whichever is later, after the incident [40 C.F.R. § 761.65(d)(4)(iv), 40 C.F.R. § 761.75(c)(3)(ii)].

4. In accordance with Section 16.4, Emergency Contingency Plan, of the Renewal Application, USEI shall submit a written report to U.S. EPA that provides details on any incident involving PCBs that requires implementation of the RCRA Contingency Plan. The written report shall be submitted via postal mail or by email to:

Manager, RCRA Corrective Action, Permits and PCB Section  
Land, Chemicals and Redevelopment Division  
U.S. EPA Region 10  
1200 Sixth Avenue, Suite 155, MS 15-H04  
Seattle, WA. 98101

The written report shall be submitted to U.S. EPA within 15 days of the incident and include, at a minimum, the following information [40 C.F.R. 761.65(d)(4)(iv), 40 C.F.R. § 761.75(c)(3)(ii)]:

- a. Date, time, and type of incident (e.g., fire, explosion, chemical release);
- b. Name and quantity of material(s) involved;
- c. The extent of injuries, if any;
- d. Response actions taken;
- e. An assessment of actual or potential hazards to human health or the environment, where this is applicable; and

- f. Estimated quantity and disposition of recovered material that resulted from the incident.
5. USEI must certify in writing to U.S. EPA that the Facility is in compliance with the following requirements before operations are resumed in the areas affected by any incident involving PCBs that requires implementation of the RCRA Contingency Plan [40 C.F.R. § 761.65(d)(4)(iv), 40 C.F.R. § 761.75(c)(3)(ii)]:
  - a. All emergency equipment listed in the RCRA Contingency Plan is cleaned and fit for usage after the incident is addressed. In this case, USEI may substitute equivalent emergency equipment in the affected area while repairing, replacing, or recharging used emergency response equipment; and
  - b. Corrective measures have been implemented to prevent reoccurrence of the incident.
6. If USEI believes, or has reason to believe, that quantities of PCBs equal to or greater than one pound have been released into the environment as a result of Facility operations, USEI shall immediately notify the National Emergency Response Center by telephone at (800) 424-8802 within 24 hours after discovery. A full investigation into the cause of the incident and a detailed report shall be included in the daily operation records. A copy of this report describing the incident shall be submitted to the U.S. EPA Official identified in Condition IV.B.4. within 15 days after the incident [40 C.F.R. Part 302, 40 C.F.R. § 761.65(d)(4)(iv), 40 C.F.R. § 761.75(c)(3)(ii)].
7. If USEI believes, or has reason to believe, that quantities of PCBs equal to or greater than 10 pounds have been released into the environment as a result of Facility operations, USEI shall immediately notify U.S. EPA. USEI shall either verbally notify U.S. EPA or provide an email notice to U.S. EPA. The notification shall be provided to:

Manager, RCRA Corrective Action, Permits and PCB Section  
Land, Chemicals and Redevelopment Division  
U.S. EPA Region 10  
1200 Sixth Avenue, Suite 155, MS 15-H04  
Seattle, WA. 98101  
206-553-1616  
[epa-seattle@epa.gov](mailto:epa-seattle@epa.gov)

The verbal or email notification shall occur as soon as possible after USEI becomes aware of the incident, but no later than 24 hours after the incident. A full investigation into the cause of the incident and a detailed report shall be included in the daily operation records. A copy of this report describing the incident shall be submitted to U.S. EPA within 15 days after the incident [40 C.F.R. § 761.125 (a)(1)(iii), 40 C.F.R. § 761.75(c)(3)(ii)].

8. USEI shall annually update all information regarding PCB operations at the Facility, including but not limited to stored materials, contingency plans, and emergency procedures provided to local police departments, hospitals, and state and local emergency response teams that may be called upon to provide emergency services at the Facility. [40 C.F.R. § 761.65(d)(4)(iv), 40 C.F.R. § 761.75(c)(3)(ii)].

9. USEI shall maintain a copy of Section 16.4, Emergency Contingency Plan, of the Renewal Application and the RCRA Contingency Plan and any revisions to these plans at the Facility. A copy of this Approval shall also be maintained at the Facility [40 C.F.R. § 761.65(d)(4)(iv), 40 C.F.R. § 761.75(c)(3)(ii)].
10. Lists of emergency contacts, telephone numbers, and designated emergency exit routes shall be posted in prominent locations throughout the Facility [40 C.F.R. § 761.65(d)(4)(iv), 40 C.F.R. § 761.75(c)(3)(ii)].
11. The Facility shall, at a minimum, be equipped with the following [40 C.F.R. § 761.65(d)(4)(iv), 40 C.F.R. § 761.75(c)(3)(ii)]:
  - a. An internal communications or alarms system capable of providing immediate emergency instruction (voice or signal) to Facility personnel;
  - b. Devices, such as a telephone, cellular phone or hand-held two-way radio, that are immediately available at the scene of operations and are capable of summoning emergency assistance from local police departments, fire departments, or State or local emergency response teams;
  - c. Portable fire extinguishers, fire control equipment, spill control equipment, and decontamination equipment; and
  - d. Water at adequate volume and pressure to supply fire hose streams or foam equipment. The volume and pressure shall be sufficient to suppress a fire containing burning PCBs.
12. USEI shall, at a minimum, annually test and maintain the equipment specified in Condition IV.F.11, as recommended by the manufacturer to assure its proper operation in time of emergency. In the event that any of the equipment specified above was manufactured by USEI, USEI shall establish and follow a testing and maintenance plan for those manufactured items [40 C.F.R. § 761.65(d)(4)(iv), 40 C.F.R. § 761.75(c)(3)(ii)].
13. Whenever PCBs are being poured, mixed, or otherwise handled, USEI shall ensure that all personnel involved in the operation will have immediate access to an internal alarm or emergency communication device, either directly or through visual or voice contact with another employee [40 C.F.R. § 761.65(d)(4)(iv), 40 C.F.R. § 761.75(c)(3)(ii)].
14. At all times, there shall be at least one employee either at the Facility or on call who has [40 C.F.R. § 761.65(d)(4)(iv), 40 C.F.R. § 761.75(c)(3)(ii)]:
  - a. The responsibility for coordinating all emergency response measures, and
  - b. The authority to commit the resources needed to carry out the RCRA Contingency Plan.

This employee shall have immediate access to the entire Facility and to a communication device such as a telephone, cellular phone, or hand-held two-way radio immediately available at the scene of operation capable of summoning external emergency assistance.

15. USEI shall provide U.S. EPA with a written report if unauthorized entry at the Facility occurred which caused PCBs to be discharged. The report shall specify, at a minimum, the date of the occurrence, a description of what happened, the nature of the problem, if

any, that resulted from this occurrence, and the corrective action taken by USEI. This includes, but is not limited to, any tampering, destruction, or loss at the Facility which caused release of PCBs. USEI shall submit the report to U.S. EPA within 5 days of the occurrence [40 C.F.R. § 761.65(d)(4)(iv), 40 C.F.R. § 761.75(c)(3)(ii)].

16. USEI shall review and immediately amend, if necessary, Section 16.4, Emergency Contingency Plan, of the Renewal Application whenever [40 C.F.R. § 761.65(d)(4)(iv), 40 C.F.R. § 761.75(c)(3)(ii)]:
  - a. The Plan fails in an emergency;
  - b. Changes in the Facility's design, construction, operation, maintenance, or other circumstances that materially increase the potential for fires, explosions, or releases of PCBs or hazardous constituents, or other response necessary in an emergency;
  - c. The list of emergency coordinators changes;
  - d. The list of emergency equipment changes;
  - e. When information available to USEI otherwise indicates that a major revision is warranted; or
  - f. When U.S. EPA determines that a revision of a Plan is necessary.
17. If at any time U.S. EPA determines that PCB operations at the Facility authorized by this Approval are creating a situation of imminent hazard, U.S. EPA will notify USEI as to the steps required to mitigate and/or prevent the hazard. Such steps must be taken by the date provided in such notice [40 C.F.R. § 761.65(d)(4)(iv), 40 C.F.R. § 761.75(c)(3)(ii)].

#### **G. Entry and Agency Inspection**

1. U.S. EPA officials and designated representatives of U.S. EPA, upon presentation of credentials, shall be permitted access to any area of the Facility at all reasonable times during regular business hours to (1) determine compliance with applicable statutes, regulations, and the conditions of this Approval, (2) for the purpose of inspection, sampling, or monitoring and (3) for any other purpose allowed by law [40 C.F.R. § 761.65(d)(4)(iv), 40 C.F.R. § 761.75(c)(3)(ii)].
2. USEI, upon request by U.S. EPA, shall provide copies of any record maintained by the Facility pursuant to this Approval within 7 days of such request [40 C.F.R. § 761.65(d)(4)(iv), 40 C.F.R. § 761.75(c)(3)(ii)].

#### **H. General Inspection Requirements**

1. USEI shall inspect the Facility including all communications and alarm systems, fire protection equipment, spill control equipment, decontamination equipment and groundwater monitoring wells following the procedures and schedule contained in Section 14, PCB Inspection Plan, of the Renewal Application and Attachment 4, Inspection Plan, of the State RCRA Permit. All emergency equipment shall be inspected at least once per month to assure its proper operation. All emergency equipment inspection and maintenance records must be maintained at the Facility for at least three years and made available to U.S. EPA upon request [40 C.F.R. § 761.65(d)(4)(iv), 40 C.F.R. § 761.75(c)(3)(ii)].



2. USEI shall evaluate and address all deficiencies identified during the inspections in accordance with the procedures specified in Section 14, PCB Inspection Plan, of the Renewal Application and Attachment 4, Inspection Plan, of the State RCRA Permit [40 C.F.R. § 761.65(d)(4)(iv), 40 C.F.R. § 761.75(c)(3)(ii)].
3. USEI shall document all inspections using the inspection report forms referenced in Section 14, PCB Inspection Plan, of the Renewal Application and contained in Attachment 4, Inspection Plan, of the State RCRA Permit. USEI shall also document actions taken to address any deficiencies identified during the inspections [40 C.F.R. § 761.65(d)(4)(iv), 40 C.F.R. § 761.75(c)(3)(ii)].

#### **I. Security**

1. USEI shall operate and maintain the security systems at the Facility in accordance with Section 12, Security Measures, and Section 16, Preparedness and Prevention, of the Renewal Application and Attachment 3, Security Procedures, of the State RCRA Permit [40 C.F.R. § 761.65(d)(4)(iv), 40 C.F.R. § 761.75(c)(3)(ii)].

#### **J. Closure Cost Estimate**

1. USEI shall maintain a detailed estimate, in current dollars, of the cost of closure for each PCB Unit that is operated at the Facility in accordance with Section 18, Closure, Post Closure Plan and Financial Requirements, of the Renewal Application, and Attachment 9, Closure and Post-Closure Plans, of the State RCRA Permit. The active PCB Units include: Treatment for Disposal Units: Outdoor Stabilization Facility and Indoor Stabilization Building; Temporary Container Storage Areas: Container Storage Pads 4, 5, 7, and 8, Outdoor Stabilization Facility and Truck Aprons 1 and 2 of the Indoor Stabilization Building; and Landfill Disposal Units: Cells 14, 15, and 16. The closure cost estimates shall be in writing, be certified by the person preparing them (using the certification defined in 40 C.F.R § 761.3) and comply with the following criteria [40 C.F.R. § 761.65(f)(1), 40 C.F.R. § 761.65(d)(4)(iv), 40 C.F.R. § 761.75(c)(3)(ii)]:
  - a. The closure cost estimate shall equal the cost of final closure at the point in the PCB Unit's active life when the extent and manner of PCB operations would make closure the most expensive, as indicated by the closure plan;
  - b. The closure cost estimate shall be based on the costs to USEI of hiring a third party to close the Facility, and the third party shall not be either a corporate parent or subsidiary of the Owner or Operator, or member in joint ownership of the Facility;
  - c. USEI shall include in the estimate the current market costs for off-site commercial disposal of the Facility's maximum estimated inventory of PCB wastes, except that on-site disposal costs may be used if on-site disposal capacity will exist at the Facility at all times over the life of the PCB storage facility; and
  - d. The closure cost estimate may not incorporate any salvage value that may be realized with the sale of wastes, Facility structures or equipment, land, or other assets associated with the Facility at the time of closure.
2. During the active life of each PCB Unit, USEI shall annually adjust the closure cost estimate for inflation within 60 days prior to October 15 of each year. The adjustment

may be made by recalculating the maximum costs of closure in current dollars, or by using an inflation factor derived from the most recent Implicit Price Deflator for Gross National Product published by the U.S. Department of Commerce in its *Survey of Current Business*. The Implicit Price Deflator for Gross National Product is included in a monthly publication titled *Indicators, Economic* which is available from the Superintendent of Documents, Government Printing Office, Washington, DC 20402. The inflation factor used in the latter method is the result of dividing the latest published annual Deflator by the Deflator for the previous year. The adjustment to the closure cost estimate is then made by multiplying the most recent closure cost estimate by the latest inflation factor [40 C.F.R. § 761.65(f)(2), 40 C.F.R. § 761.75(c)(3)(ii)].

3. The IDEQ approved annual adjusted closure/post-closure cost estimate for the USEI Facility satisfies the requirements of Conditions IV.J.1. and IV.J.2. of this Approval [40 C.F.R. § 761.65(f)(3), 40 C.F.R. § 761.75(c)(3)(ii)].
4. USEI shall revise the closure cost estimate whenever U.S. EPA approves a modification to the Closure Plan which increases the cost of closure. USEI shall revise the closure cost estimate and submit it to U.S. EPA no later than 30 days after the modification is approved. The revised cost estimate shall be adjusted for inflation at that time [40 C.F.R. § 761.65(f)(3), 40 C.F.R. § 761.75(c)(3)(ii)].
5. USEI shall keep at the Facility during its operating life the most recent closure cost estimate, including any adjustments resulting from inflation or from modifications to the Closure Plan [40 C.F.R. § 761.65(f)(4), 40 C.F.R. § 761.75(c)(3)(ii)].

#### **K. Post-Closure Cost Estimate**

1. USEI shall maintain a detailed estimate, in current dollars, of the cost of post-closure care for the Cell 14, Cell 15 and Cell 16 landfills in accordance with Attachment 9, Closure and Post-Closure Plans, of the State RCRA Permit (Post-Closure Plan). Post-closure for each landfill unit begins after final closure is certified complete and continues for 30 years after the date of closure certification for each landfill unit. The post-closure cost estimate shall be in writing, be certified by the person preparing it (using the certification defined in 40 C.F.R § 761.3) and comply with the following criteria [40 C.F.R. § 761.65(d)(4)(iv), 40 C.F.R. § 761.75(c)(3)(ii)]:
  - a. The post-closure cost estimate shall be based on the costs to USEI of hiring a third party to conduct post-closure care activities, and the third party shall not be either a corporate parent or subsidiary of the Owner or Operator, or member in joint ownership of the Facility.
2. USEI shall annually adjust the post-closure cost estimate for inflation within 60 days prior to October 15 of each year. The adjustment may be made by recalculating the maximum costs of closure in current dollars, or by using an inflation factor derived from the most recent Implicit Price Deflator for Gross National Product published by the U.S. Department of Commerce in its *Survey of Current Business*. The Implicit Price Deflator for Gross National Product is included in a monthly publication titled *Economic Indicators*, which is available from the Superintendent of Documents, Government Printing Office, Washington, DC 20402. The inflation factor used in the latter method is the result of dividing the latest published annual Deflator by the Deflator for the

previous year. The adjustment to the post-closure cost estimate is then made by multiplying the most recent post-closure cost estimate by the latest inflation factor [40 C.F.R. § 761.65(d)(4)(iv), 40 C.F.R. § 761.75 (c)(3)(ii)].

3. The IDEQ approved annual adjusted closure/post-closure cost estimate for the USEI Facility satisfies the requirements of Conditions IV.K.1. and IV.K.2. of this Approval [40 C.F.R. § 761.65(f)(3), 40 C.F.R. § 761.75(c)(3)(ii)].
4. USEI shall revise the post-closure cost estimate whenever U.S. EPA approves a modification to the Facility Post-Closure Plan which increases the costs of post-closure. USEI shall revise the post-closure cost estimate and submit it to U.S. EPA no later than 30 days after the modification is approved. The revised cost estimate shall be adjusted for inflation at that time [40 C.F.R. § 761.65(d)(4)(iv), 40 C.F.R. § 761.75(c)(3)(ii)].
5. USEI shall keep at the Facility during its operating life the most recent post-closure cost estimate, including any adjustments resulting from inflation or from modifications to the Post-Closure Plan [40 C.F.R. § 761.65(d)(4)(iv), 40 C.F.R. § 761.75(c)(3)(ii)].

#### **L. Financial Assurance for Closure and Post-Closure**

1. USEI shall maintain adequate financial assurance for the closure of each PCB Unit that is operated at the Facility and for post-closure care of landfill Cells 14, 15, and 16. The active PCB Units include: Treatment for Disposal Units: Outdoor Stabilization Facility and Indoor Stabilization Building, Temporary Container Storage Areas: Container Storage Pads 4, 5, 7, and 8, Outdoor Stabilization Facility and Truck Aprons 1 and 2 of Indoor Stabilization Building, and Landfill Disposal Units: Cells 14, 15, and 16. The level of financial assurance funding shall always be greater than or equal to the total cost estimate for closure and post-closure care of the units established pursuant to Subsections IV.J and IV. K [40 C.F.R. § 761.65(g), 40 C.F.R. § 761.65(d)(4)(iv), 40 C.F.R. § 761.75(c)(3)(ii)].
2. USEI shall annually submit written documentation to U.S. EPA of continued financial assurance for the PCB Units at the Facility. The documentation shall include, but not be limited to, the current closure and post-closure cost estimates for the PCB Units and the level of funding contained in the closure/post-closure Certificate of Insurance. The documentation shall be submitted to U.S. EPA by January 15 of each year [40 C.F.R. § 761.65(d)(4)(iv), 40 C.F.R. § 761.75(c)(3)(ii)].

#### **M. Liability Insurance**

1. USEI, consistent with the liability insurance provisions in its State RCRA Permit, shall maintain liability insurance coverage for sudden and accidental occurrences in the amount of at least \$1 million per occurrence, with an annual aggregate of at least \$2 million. See Attachment 9, Closure and Post-Closure Plans, of the State RCRA Permit [40 C.F.R. § 761.65(d)(4)(iv), 40 C.F.R. § 761.75(c)(3)(ii)].
2. USEI shall notify U.S. EPA in writing at least 30 days prior to making any changes to the liability insurance coverage. The notification shall describe the nature of the changes and rationale for making them [40 C.F.R. § 761.65(d)(4)(iv), 40 C.F.R. § 761.75(c)(3)(ii)].

## **N. Recordkeeping and Reporting**

1. USEI shall comply with all recordkeeping and reporting requirements specified in the PCB regulations at 40 C.F.R. Part 761.
2. USEI shall conduct recordkeeping and reporting activities in accordance with the Section 2, Recordkeeping, Section 18.1.5, Facility Recordkeeping, and Section 18.3.1.2 Recordkeeping (Post-Closure) of the Renewal Application [40 C.F.R. § 761.65(d)(4)(iv), 40 C.F.R. § 761.75(c)(3)(ii)].
3. USEI shall write in ink or type all records required to be created and maintained by 40 C.F.R. Part 761 Subpart J (General Records and Reports), Subpart K (PCB Waste Disposal Records and Reports) and this Approval. Any modification or correction of the records must be initialed and dated by the responsible official. If the recordkeeping is maintained by a computer system, USEI shall make printouts or electronic copies available to U.S. EPA representatives upon request [40 C.F.R. § 761.65(d)(4)(iv), 40 C.F.R. § 761.75(c)(3)(ii)].
4. All PCB records, documents, monitoring data, sampling data and reports shall be constantly maintained at the Facility while it is operational and shall be made available for inspection upon request to authorized U.S. EPA representatives. When USEI ceases operations, all records, documents, monitoring data, sampling data and reports or certified copies thereof, shall be maintained at the Facility for at least thirty (30) years following cessation of operations [Section 18.1.5.1, General Facility Records Policy, Renewal Application, 40 C.F.R. § 761.65(d)(4)(iv), 40 C.F.R. § 761.75(c)(3)(ii) ].
5. Waste Disposal Records and Reports
  - a. USEI shall comply with all provisions of 40 C.F.R. § 761.180 (Records and Monitoring). On July 15 of each year, USEI shall submit to U.S. EPA the annual report required by 40 C.F.R. § 761.180(b)(3) for the previous calendar year. The annual report shall be sent to:

Manager, RCRA Corrective Action, Permits and PCB Section  
Land, Chemicals and Redevelopment Division  
U.S. EPA Region 10  
1200 Sixth Avenue, Suite 155, MS 15-H04  
Seattle, WA. 98101
  - b. USEI shall comply with 40 C.F.R. Part 761.205(f) which requires that USEI resubmit notice to U.S. EPA if PCB waste handling activities change.
  - c. At the completion of any cleanup required by the Approval, USEI shall develop and maintain records of the cleanup including at a minimum [40 C.F.R. § 761.65(d)(4)(iv), 40 C.F.R. § 761.75(c)(3)(ii)]:
    - (1) Identification of the source of the contamination;
    - (2) Date and time contamination was discovered;
    - (3) Date and time cleanup was completed;

- (4) A brief description of contaminated area;
  - (5) Pre-cleanup and post-cleanup sampling data used to define boundaries of contamination and a brief description of the sampling methodology used to establish contaminated boundaries;
  - (6) Amount of waste cleanup material generated; and
  - (7) A certification statement signed by USEI personnel stating that the decontamination levels referenced in the appropriate Approval condition have been achieved and that the information contained in the record is true to the best of his/her knowledge.
- d. USEI shall notify U.S. EPA in writing if any unusual occurrences should happen that are not normal to the operation of the Facility as hereby authorized, such as accidents, spills, leaks, uncontrolled discharges, earthquake damage, excessive rain episodes (e.g., rainfall in excess of 24 hr, 25 yr storm event), fires and/or explosions. The written notification shall be submitted to U.S. EPA within three calendar days of the incident and include a description of what occurred and USEI's response. The notification shall be submitted to [40 C.F.R. § 761.65(d)(4)(iv), 40 C.F.R. § 761.75(c)(3)(ii)]:

Manager, RCRA Corrective Action, Permits and PCB Section  
Land, Chemicals and Redevelopment Division  
U.S. EPA Region 10  
1200 Sixth Avenue, Suite 155, MS 15-H04  
Seattle, WA. 98101

- e. USEI shall notify U.S. EPA in writing when 80, 90, and 95 percent of the disposal capacity for each landfill is reached for the Cell 14, Cell 15, and Cell 16 landfills. The notification shall be submitted to [40 C.F.R. § 761.65(d)(4)(iv), 40 C.F.R. § 761.75(c)(3)(ii)]:

Manager, RCRA Corrective Action, Permits and PCB Section  
Land, Chemicals and Redevelopment Division  
U.S. EPA Region 10  
1200 Sixth Avenue, Suite 155, MS 15-H04  
Seattle, WA. 98101

## **V. Conditions for Temporary Storage of PCBs**

### **A. Unit Descriptions**

The container storage areas approved by the State RCRA Permit applicable to the temporary storage of PCBs and authorized by this Approval for temporary storage of PCBs include: Container Storage Pads (CSP) 4, 5, 7, and 8, Outdoor Stabilization Facility and Truck Aprons 1 and 2 of Indoor Stabilization Building. The location of these units is shown on Figure 2. The following is a brief description of each unit:

CSP #4 is a 100 ft. by 100 ft. unenclosed, subdivided storage, processing, and receiving area for containers with or without free liquids. It is curbed and constructed of sealed, reinforced concrete for containment.

CSP #5 is a 100 ft. by 100 ft. reinforced concrete slab with a six (6) inches high reinforced concrete containment curbing.

CSP #7 (RCRA Building) is a 100 ft. by 100 ft steel-framed building with metal siding that has a curbed, reinforced, epoxy-coated concrete floor for containment. In addition, the building has reinforced concrete aprons for loading and unloading activities.

CSP #8 is a 100 ft. by 125 ft. covered, undivided, unenclosed storage, processing, and receiving area. The pad consists of a reinforced concrete slab with reinforced concrete containment curbing and underlying primary and secondary 80 mill HDPE liners. The liner systems drain to collection sumps and have monitoring ports to detect and remove liquids.

Outdoor Stabilization Facility is a subdivided, unenclosed receiving, storage, and processing area for bulk wastes and containers of liquids and solids. It is constructed of curbed, reinforced, epoxy-coated concrete for containment.

Truck Aprons 1 and 2 of Indoor Stabilization Building - Truck Unloading Aprons #1 & #2 are contiguous with the Indoor Stabilization Building. They are an unenclosed storage, processing, and receiving area for containers with or without free liquids. The aprons consist of individual reinforced concrete slabs with underlying 80 mil HDPE liners for containment.

## **B. Operational and Regulatory Requirements for Storage**

1. USEI must at all times comply with the PCB storage requirements contained in 40 C.F.R. § 761.65, except 761.65(b)(1), 761.65(c)(1), (c)(3) and (c)(9), and 761.65(d)(1) through (5), (d)(7) and (d)(8).
2. USEI may temporarily store PCB containers following the procedures specified in Section 15.3, PCB Container Storage, of the Renewal Application and Module III, Container Storage and Treatment, and Attachment 13, Container Management Units, of the State RCRA Permit, so long as all conditions under USEI's State RCRA Permit applicable to the temporary storage area are satisfied and spills of PCBs are cleaned up in accordance with 40 C.F.R. Part 761, Subpart G [40 C.F.R. § 761.65(b)(2)(iii), 40 C.F.R. § 761.65(d)(4)(iv), 40 C.F.R. § 761.75(c)(3)(ii)].
3. USEI shall implement a system to track how long PCB wastes are in a given temporary storage unit to ensure that the 24-hour and 30-day time limits are not exceeded, in accordance with 40 C.F.R. § 761.65(c)(8). Any exceedances of the time limits are a violation of this Approval and shall be recorded and reported to U.S. EPA as an unusual circumstance specified in Condition IV.N.5.e of this Approval.
4. Long-term storage of PCBs for greater than 30 days is not authorized by this Approval.

## **C. Approved PCB Storage Units and Maximum Storage Capacities**

1. USEI is authorized, subject to the conditions of this Approval, to temporarily store PCB wastes in the Units and at the maximum capacities and timeframes shown in the table below:

**Table 1 - Temporary PCB Container Storage Units and Maximum Capacities**

<b>Unit Name</b>	<b>Type and Number of Units</b>	<b>Authorized Activity</b>	<b>Temporary Storage Time Limit</b>	<b>Maximum Storage Capacity (gallons)*</b>
Container Storage Pad 4	1 Container Storage Area	Temporary Storage of PCBs in Containers	Not to Exceed 30-days	259,754 (4,723 55-gallon drums)
Container Storage Pad 5	1 Container Storage Area	Temporary Storage of PCBs in Containers	Not to Exceed 30-days	138,389 (2,516 55-gallon drums)
Container Storage Pad 7	1 Container Storage Area	Temporary Storage of PCBs in Containers	Not to Exceed 30-days	182,230 (3,313 55-gallon drums)
Container Storage Pad 8	1 Container Storage Area	Temporary Storage of PCBs in Containers	Not to Exceed 30-days	231,550 (4,210 55-gallon drums)
Outdoor Stabilization Facility	1 Container Storage Area	Temporary Storage of PCBs in Containers	Not to Exceed 24-Hours	178,232 (3,241 55-gallon drums)
Truck Aprons 1 and 2 of Indoor Stabilization Building	2 Container Storage Areas	Temporary Storage of PCBs in Containers	Not to Exceed 24-Hours	14,100 (256 55-gallon drums)

\* A partially full drum shall be counted as full for purposes of determining maximum allowable storage capacity.

**D. Design Requirements for Temporary Storage Areas**

1. The temporary storage facilities for PCBs designated for disposal shall not be located below the 100-year flood water elevation [40 C.F.R. § 761.65(d)(4)(iv)].

**E. PCB Storage in Containers**

1. USEI shall operate and maintain a database and barcode system to track the volumes and locations of containerized PCB wastes throughout the Facility [40 C.F.R. § 761.65(d)(4)(iv), 40 C.F.R. § 761.75(c)(3)(ii)].
2. USEI shall maintain a 2-foot or greater aisle space between all items or rows of all items stored in the temporary PCB storage areas to allow for unobstructed access by personnel,

fire protection equipment, and decontamination equipment. [Section D.1.c (3), Aisle Space, Attachment 13, Container Management Units, of the State RCRA Permit].

3. USEI shall store PCB containers no more than two units high [Section D.1.c (1), General Storage Requirements, Attachment 13, Container Management Units, of the State RCRA Permit].
4. USEI shall store containers and PCB Items off the slab on pallets or other equally stable support structures while being stored in the temporary storage areas [Section D.1.c (1), General Storage Requirements, Attachment 13, Container Management Units, of the State RCRA Permit].
5. USEI shall not remove any item of movable equipment from an approved temporary storage area that is used for handling PCBs and PCB Items and that comes into direct contact with PCBs (e.g., accidental PCB release from a drum that contaminates a forklift) unless it has been first decontaminated as specified in 40 C.F.R. § 761.79 [40 C.F.R. § 761.65(c)(4)].

#### **F. Draining and Flushing of PCBs**

1. Transformer draining and flushing of PCB liquids is not authorized by this Approval.

#### **G. PCB Storage in Tanks**

1. Storage of PCB liquids in tanks is not authorized by this Approval.

#### **H. PCB Storage Container Requirements**

1. USEI shall comply with the requirements for PCB containers specified in 40 C.F.R. § 761.65(c)(6). Any container used for storage of PCBs shall meet the Department of Transportation requirements described in 49 C.F.R. Parts 171 through 180 [40 C.F.R. § 761.65(d)(4)(iv), 40 C.F.R. § 761.75(c)(3)(ii)].

#### **I. PCB Storage, Marking, and Labeling**

1. USEI shall comply with the marking requirements set forth in 40 C.F.R. § 761.40, 40 C.F.R. § 761.65(c)(3) and 40 C.F.R. § 761.65(c)(8) for all PCB Containers, PCB Items and PCB storage areas.
2. USEI shall use marking labels in accordance with 40 C.F.R. § 761.45.

#### **J. Inspection Requirements for Temporary PCB Storage Units**

1. USEI shall inspect the PCB temporary storage units in accordance with Section 14, PCB Inspection Plan, of the Renewal Application and Attachment 4, Inspection Plan, of the State RCRA Permit [40 C.F.R. § 761.65(d)(4)(iv), 40 C.F.R. § 761.75(c)(3)(ii)].
2. USEI shall evaluate and address all deficiencies identified during the inspections in accordance with Section 14, PCB Inspection Plan, of the Renewal Application and Attachment 4, Inspection Plan, of the State RCRA Permit [40 C.F.R. § 761.65(d)(4)(iv), 40 C.F.R. § 761.75(c)(3)(ii)].



3. USEI shall document all inspections of the PCB temporary storage units using the inspection report forms contained in Attachment 4, Inspection Plan, of the State RCRA Permit. USEI shall also document actions taken to address any deficiencies identified during the inspections [40 C.F.R. § 761.65(d)(4)(iv), 40 C.F.R. § 761.75(c)(3)(ii)].

#### **K. Closure of Temporary Storage Units**

1. USEI shall notify U.S. EPA in writing at least 180 days prior to the date it expects to begin closure of any of the temporary storage units. If needed at the time of closure, USEI shall also include in the notification a request to modify the Closure Plan, pursuant to the modification process under Subsection VII.A of this Approval [40 C.F.R. § 761.65(e)(6)(i), 40 C.F.R. § 761.75(c)(3)(ii)].
2. Unless U.S. EPA has approved a modification to the closure plan at the time of closure as described in Subsection V.K.1, USEI shall conduct final closure activities (including PCB analysis) for the temporary PCB storage units in accordance with Section 18, Closure, Post Closure Plan and Financial Requirements, of the Renewal Application, and Attachment 9, Closure and Post-Closure Plans, of the State RCRA Permit. As part of the closure, soils beneath the foundation and surrounding each of the temporary PCB container storage units shall be sampled for PCBs in accordance with Subpart N of 40 C.F.R. § 761.65 and 40 C.F.R. § 761.286. If PCBs are detected in the soil above 1 ppm (or as otherwise specified by EPA) total PCBs, the nature and extent of PCB contamination in the area shall be investigated and determined, and any soils with PCB concentrations above 1 ppm (or as otherwise specified by EPA) shall be excavated and disposed of in a TSCA approved landfill cell. The remaining soils shall then be resampled to verify that they are no longer contaminated above the 1 ppm (or as otherwise specified by EPA) total PCB limit. USEI shall use the most current version of U.S. EPA's SW-846 Method 8082 for PCB analysis and Method 3540C for Soxhlet Extraction or an alternative method approved under 40 C.F.R. 761.61(c) or validated under Subpart Q of 40 C.F.R. 761.65 [40 C.F.R. § 761.65(e), 40 C.F.R. § 761.65(d)(4)(iv), 40 C.F.R. § 761.75(c)(3)(ii)].
3. USEI shall submit a request to U.S. EPA to modify the Closure Plan pursuant to Subsection VIII.A of this Approval within 30 days of the following [40 C.F.R. § 761.65(e)(4), 40 C.F.R. § 761.65(d)(4)(iv), 40 C.F.R. § 761.75(c)(3)(ii)]:
  - a. Changes in ownership, operating plans, Facility design, or Facility operations that affect the Closure Plan;
  - b. A change in the expected date of closure, if applicable;
  - c. An unexpected event occurring during closure activities; or
  - d. Changes to EPA regulations that would affect the Closure Plan requirements.

The corresponding post-closure plan for these units shall also be modified as necessary to be consistent with any changes made to the closure plan.

## **VI. Conditions for Treating PCBs for Disposal**

### **A. Unit Descriptions**

The USEI Facility conducts stabilization and/or solidification of contaminated soil and other media that may contain PCBs. The stabilization/solidification of the contaminated soil/media is needed to meet Land Disposal Restrictions, or other criteria, and allow the material to be put into a landfill for disposal. This treatment to prepare the contaminated media for landfill disposal is focused on the soil/media contaminants and not the PCBs. Waste treatment is conducted at the Outdoor Stabilization Facility and the Indoor Stabilization Building at the USEI Site B Facility.

The USEI Facility also conducts Micro-encapsulation and Macro-encapsulation of hazardous debris that may be contaminated with PCBs. This treatment is needed in order to meet Land Disposal Restrictions which allows the debris to be disposed of in landfill units. These treatments to prepare the contaminated media for landfill disposal are focused on the soil/media contaminants and not the PCBs. Micro-encapsulation is the stabilization of hazardous debris with reagents such that the leachability of the hazardous contaminants is reduced. The Macro-encapsulation process encases the debris to provide a physical barrier that prevents/minimizes potential leaching of hazardous constituents from the debris.

The Outdoor Stabilization Facility includes 52 cubic yard roll-off containers (stabilization bins) that move on a tracked system to areas where large backhoes mix the contaminated media with appropriate reagent mixes.

The Indoor Stabilization Building consists of a steel framed building supported by concrete spread footings. The units' walls and roof are insulated metal panels. The floor consists of a reinforced concrete slab with perimeter curbs. Two (2) stationary below-grade reinforced Mixing Tanks are located within the building. The Indoor Stabilization Building's stationary Mixing Tanks consist of reinforced concrete vaults with steel plate liners. The steel plate liner serves as the primary containment and is welded at all seams to form a water-tight seal. An annulus space is provided between the primary steel plate liner containment and the secondary reinforced concrete vault walls to allow for leak detection monitoring behind the primary containment. Leak detection monitoring ports are provided for each of the Mixing Tanks. The building is equipped with an air pollution control system, which includes baghouses with air ducts. Individual hoods and retractable curtains are located over each of the Mixing Tanks to control particulate emissions during the offload and/or transfer of fine waste streams. Large excavators are used to mix the contaminated media, which are loaded from roll-off bins, dump trucks, tankers, or non-bulk containers, into the Mixing Tanks, with the appropriate reagents. The contaminated media is thus treated within the Mixing Tanks to meet the specified Land Disposal Restriction.

### **B. Authorized PCB Treatment**

1. USEI is authorized to stabilize and/or solidify the following types of PCB wastes in the Outdoor Stabilization Facility and Indoor Stabilization Building:
  - a. Liquids with concentrations of PCBs less than 50 mg/L can be solidified providing that the source of the PCB liquid is less than 50 mg/L [40 C.F.R. § 761.75(c)(3)(ii)];

- b. Non-ignitable liquids from incidental sources, such as precipitation, condensation, leachate or load separation with concentrations of PCBs that do not exceed 500 mg/L and are associated with PCB Articles or non-liquid PCB wastes in a TSCA approved landfill can be solidified for landfill disposal [40 C.F.R. §761.60(a)(3)(ii)];
  - c. Soils that are determined to be hazardous by toxicity characteristic for metals under RCRA and are also TSCA regulated may be stabilized and/or solidified provided that the concentration of halogenated organic compounds, including PCBs, is below 1000 ppm [40 C.F.R. §761.75(c)(3)(ii), 40 C.F.R. § 268.48(a), Footnote 8 at the end of the Universal Treatment Standards Table, and 65 FR 81373-81381];
  - d. PCB waste (non-soils) at concentrations less than 50 ppm, providing that the source of the waste is less than 50 ppm. [40 C.F.R. §761.75(c)(3)(ii)];
  - e. Leachate generated by operating landfills at the Facility provided that the total PCB concentration is less than 2 mg/L [40 C.F.R. §761.79(b)(2), 40 C.F.R. §761.75(c)(3)(ii)]; and
  - f. PCB Contaminated Low Activity Radioactive Waste [as defined by the Waste Acceptance Criteria, Attachment 2, Waste Analysis Plan, of the State RCRA Permit]. The waste acceptance criteria are established for accepting radiological contaminated waste material that is not regulated under the Atomic Energy Act of 1954, as amended.
2. USEI is authorized to conduct Micro-encapsulation and Macro-encapsulation treatment of hazardous debris in the Indoor Stabilization Building and Outdoor Stabilization Facility. Macro-encapsulation treatment of hazardous debris is also authorized for Container Storage Pads 4, 5, 7 and 8. USEI shall conduct Micro-encapsulation and Macro-encapsulation treatment of hazardous debris in accordance with Section X.B. Hazardous Debris Treatment, of the State RCRA Permit, and with Section 9.2.5.3, Encapsulation, of the Renewal Application.
  3. Treatment of any other PCB containing wastes is prohibited [40 C.F.R. § 761.75 (c)(3)(ii)].

**C. Approved PCB Treatment Areas and Maximum Treatment Capacities**

1. USEI is authorized, subject to the conditions of this Approval, to treat PCB wastes in the Units and at the maximum volumes shown in the table below:

**Table 2  
PCB Treatment Units and Maximum Capacities**

<b>Unit Name</b>	<b>Unit Description</b>	<b>Type of PCB Waste Allowed for Treatment</b>	<b>Maximum Treatment Capacity (tons/hour)</b>
Indoor Stabilization Building	Mixing Tanks 1 and 2 (Indoors - Below Grade)	Stabilization/ Solidification See Subsection VI.B.1	300 tons/hour
Outdoor Stabilization Facility	52 Cubic Yard Roll-off Containers, Tracked System, Excavator Mixes Additives and Waste Material	Stabilization/ Solidification See Subsection VI.B.1.	270 tons/hour
Outdoor Stabilization Facility	52 Cubic Yard Roll-off Containers, Tracked System, Excavator Mixes Additives and Waste Material	Marco-encapsulation Micro-encapsulation See Subsection VI.B.2	Not Included in State RCRA Permit
Indoor Stabilization Building	2 Mixing Bin Tanks	Macro-encapsulation Micro-encapsulation See Subsection VI.B.2	Not Included in State RCRA Permit
Container Storage Pad 4	Lined Macro-Boxes	Macro-encapsulation See Subsection VI.B.2	Not Included in State RCRA Permit
Container Storage Pad 5	Lined Macro-Boxes	Macro- encapsulation See Subsection VI.B.2	Not Included in State RCRA Permit
Container Storage Pad 7 (RCRA Building)	Lined Macro-Boxes	Macro- encapsulation See Subsection VI.B.2	Not Included in State RCRA Permit

Unit Name	Unit Description	Type of PCB Waste Allowed for Treatment	Maximum Treatment Capacity (tons/hour)
Outdoor Stabilization Facility	52 Cubic Yard Roll-off Containers, Tracked System, Excavator Mixes Additives and Waste Material	Macro-encapsulation Micro-encapsulation See Subsection VI.B.2	Not Included in State RCRA Permit
Indoor Stabilization Building	2 Mixing Bin Tanks	Macro-encapsulation Micro-encapsulation See Subsection VI.B.2	Not Included in State RCRA Permit
Container Storage Pad 4	Lined Macro-Boxes	Macro-encapsulation See Subsection VI.B.2	Not Included in State RCRA Permit
Container Storage Pad 5	Lined Macro-Boxes	Macro-encapsulation See Subsection VI.B.2	Not Included in State RCRA Permit
Container Storage Pad 7 (RCRA Building)	Lined Macro-Boxes	Macro-encapsulation See Subsection VI.B.2	Not Included in State RCRA Permit
Container Storage Pad 8	Lined Macro-Boxes	Macro-encapsulation See Subsection VI.B.2	Not Included in State RCRA Permit

**D. Operational and Regulatory Requirements for Treatment**

1. USEI shall operate and maintain the Outdoor Stabilization Facility and Indoor Stabilization Building in accordance with Section 15.1, PCB Solidification/ Stabilization, of the Renewal Application; Module XI, Stabilization Operations, of the State RCRA Permit, Attachment 2; Waste Analysis Plan, Subsection C.8.3.1, Stabilization, of the State RCRA Permit; and Attachment 24, Indoor Stabilization Building and Debris Treatment, of the RCRA Permit [40 C.F.R. § 761.75(c)(3)(ii)].

2. USEI shall not mix PCBs and any substances that may be incompatible with PCBs [40 C.F.R. § 761.75(c)(3)(ii)].
3. USEI shall take all appropriate measures to minimize dust emissions from operations at the Outdoor Stabilization Facility, including but not limited to, using non-hazardous, non-RCRA liquids for dust suppression. USEI shall operate a baghouse to control dust emissions anytime PCB wastes are being processed in the Indoor Stabilization Building consistent with its State air permit. Characterization of baghouse dust for land disposal shall include testing for PCBs [40 C.F.R. § 761.75(c)(3)(ii)].
4. USEI shall not remove any excavator or other equipment that comes into direct contact with PCBs during the mixing process conducted at either the Indoor Stabilization Building or the Outdoor Stabilization Facility to an offsite location unless it has been first decontaminated as specified in 40 C.F.R. § 761.79 [40 C.F.R. § 761.65(c)(4), 40 C.F.R. § 761.75(c)(3)(ii)].

#### **E. PCB Sampling of Indoor Stabilization Building**

1. USEI shall conduct quarterly sampling of the Indoor Stabilization Building in accordance with Section 9, Sampling and Monitoring Procedures, of the Renewal Application and Attachment 2, Waste Analysis Plan, of the State RCRA Permit. The sampling shall include taking a minimum of three wipe samples for PCB analysis from the floor areas near each of the two mixing tanks. A minimum of 3 wipe samples per truck apron shall be taken for PCB analysis (Truck Apron 1 and Truck Apron 2). One of the three wipe samples for each Truck Apron shall be taken at the bottom of the dry sump. Once per year an independent contractor shall conduct the sampling [40 C.F.R. § 761.30(p), 40 C.F.R. § 761.30(u), 40 C.F.R. § 761.65(d)(4)(iv), 40 C.F.R. § 761.75(c)(3)(ii)].
2. If wipe samples show PCB concentrations greater than 10 ug/100 cm<sup>2</sup> USEI shall fully delineate the extent of PCB contamination and initiate the cleanup process in accordance with Subsection IV.F, Emergency Preparedness and Spill Cleanup, of this Approval. The sampling results and any follow-up cleanup shall be reported to U.S. EPA as a circumstance specified in Condition IV.N.5.d. of this Approval [40 C.F.R. § 761.30(p), 40 C.F.R. § 761.30(u), 40 C.F.R. § 761.75(c)(3)(ii)].

#### **F. Inspection Requirements for PCB Treatment Units**

1. USEI shall inspect the Outdoor Stabilization Facility and Indoor Stabilization Building in accordance with Section 14, PCB Inspection Plan, of the Renewal Application and Attachment 4, Inspection Plan, of the State RCRA Permit [40 C.F.R. § 761.75(c)(3)(ii)].
2. USEI shall evaluate and address all deficiencies identified during the inspections of the Outdoor Stabilization Facility, Indoor Stabilization Building, Pond 1, Evaporation Pond, and Pond in accordance with Section 14, PCB Inspection Plan, of the Renewal Application and Attachment 4, Inspection Plan, of the State RCRA Permit [40 C.F.R. § 761.75(c)(3)(ii)].
3. USEI shall document all inspections of the Outdoor Stabilization Facility, Indoor Stabilization Building, Pond 1, Evaporation Pond, and Pond 3 in accordance with Attachment 4, Inspection Plan, of the State RCRA Permit. USEI shall also document actions taken to address any deficiencies identified during the inspections [40 C.F.R. § 761.75(c)(3)(ii)].

## G. Closure of Treatment Units

1. USEI shall notify U.S. EPA in writing at least 180 days prior to the date it expects to begin closure of any treatment unit. If needed at the time of closure, USEI shall also include in the notification a request to modify the Closure Plan, pursuant to the modification process under Subsection VII.A of this Approval [40 C.F.R. § 761.75(c)(3)(ii)].
2. Unless U.S. EPA has approved a modification to the closure plan at the time of closure as described in Subsection VI.G.1, USEI shall conduct final closure activities (including PCB analysis) for the Outdoor Stabilization Facility and Indoor Stabilization Building in accordance with Section 18, Closure, Post Closure Plan and Financial Requirements, of the Renewal Application, and Attachment 9, Closure and Post-Closure Plans, of the State RCRA Permit. As part of the closure, soils beneath the foundation and surrounding the Outdoor Stabilization Facility and Indoor Stabilization Building shall be sampled for PCBs in accordance with 40 C.F.R. Part 761, Subpart N, 40 C.F.R. § 761.65 and 40 C.F.R. § 761.286. If PCBs are detected in the soil above 1 ppm (or as otherwise specified by EPA) total PCBs, the nature and extent of PCB contamination in the area shall be investigated and determined, and any soils with PCB concentrations above 1 ppm (or as otherwise specified by EPA) shall be excavated and disposed of in a TSCA approved landfill cell. The remaining soils shall then be resampled to verify that they are no longer contaminated above the 1 ppm (or as otherwise specified by EPA) total PCB limit.

In addition, USEI shall analyze soils beneath and surrounding the Evaporation Pond, Pond 1, and Pond 3 for PCBs as part of the closure process. USEI shall conduct the soil sampling for PCBs in accordance with the procedures specified above for the Outdoor Stabilization Facility and Indoor Stabilization Building.

USEI shall use the most current version of U.S. EPA's SW-846 Method 8082 for PCB analysis and Method 3540C for Soxhlet Extraction or an alternative method approved under 40 C.F.R. 761.61(c) or validated under Subpart Q of 40 C.F.R. Part 761 [40 C.F.R. § 761.75 (c)(3)(ii)].

3. USEI shall submit a request to U.S. EPA to modify the Closure Plan pursuant to Subsection VIII.A of this Approval within 30 days of the following [40 C.F.R. § 761.75 (c)(3)(ii)]:
  - a. Changes in ownership, operating plans, Facility design, or Facility operations that affect the existing Closure Plan;
  - b. A change in the expected date of closure, if applicable;
  - c. An unexpected event occurring during closure activities; or
  - d. Changes to EPA regulations that would affect the Closure Plan requirements.

The corresponding post-closure plan for these units shall also be modified as necessary to be consistent with any changes made to the closure plan.

## **VII. Conditions for Landfill Disposal of PCBs**

### **A. Unit Descriptions**

Cells 14, 15, and 16 are the only active landfills at the USEI Site B Facility. Cells 14 and 15 are permitted to receive non-liquid RCRA hazardous waste and PCBs. Cell 16, which has multiple phases, is currently permitted to only receive non-liquid RCRA hazardous waste. This Approval authorizes Cell 16 to accept non-liquid PCBs in addition to the RCRA wastes for disposal. Cells 14, 15 and 16 all have bottom and sidewall liner systems that incorporate primary and secondary liners as well as leachate collection and recovery systems. The base footprint of Cell 14 is approximately 42 acres, Cell 15, 40 acres, and Cell 16, 74 acres. The Cell 16 landfill is being constructed in phases (yet to be determined) with a total approved surface footprint of 74 acres. The first phase of Cell 16 has been constructed and is in operation. The locations of all three landfills are shown on Figure 2, Map of Units Approved for PCB Waste Management.

### **B. Approved Landfill Units and Maximum Disposal Capacities**

1. This Approval authorizes, subject to the conditions of this Approval, the Cell 14, Cell 15, and Cell 16 landfills at the USEI Site B Facility to receive PCB wastes for disposal [40 C.F.R. § 761.75].
2. The maximum disposal capacity of Cell 14 shall not exceed 2.102 million cubic yards inclusive of waste and daily cover [40 C.F.R. § 761.75(c)(3)(ii)].
3. The maximum disposal capacity of Cell 15 shall not exceed 4.800 million cubic yards inclusive of waste and daily cover [40 C.F.R. § 761.75(c)(3)(ii)].
4. The maximum disposal capacity of Cell 16 shall not exceed 10.554 million cubic yards inclusive of waste and daily cover [40 C.F.R. § 761.75(c)(3)(ii)].
5. USEI shall include the amount of remaining disposal capacity for each of the operating landfills in the annual report required by Condition IV.N.5.a. The annual report shall be submitted to U.S. EPA by July 15 of each year. A copy of the annual report shall also be submitted to the U.S. EPA Official identified in Condition IV.B.4 of this Approval [40 C.F.R. § 761.75(c)(3)(ii)].
6. USEI shall construct and maintain all phases of Cell 16 in accordance with Conditions II.A.1, II.A.2 and any other applicable conditions of the State RCRA Permit and with Attachments 18, 19, and 20 of the State RCRA Permit [40 C.F.R. § 761.75(c)(3)(ii)].
7. U.S. EPA is the approval agency for all plans and reports required pursuant to Section VII of this Approval.

### **C. PCB Wastes Authorized for Disposal**

1. USEI is authorized, subject to the conditions of this Approval, to dispose of the following non-liquid PCB wastes in the Cell 14, Cell 15, and Cell 16 landfills:



- a. ***PCB Transformers*** [as defined in 40 C.F.R. § 761.3 and as required in 40 C.F.R. § 761.60(b)(1)(i)(B), contains  $\geq 500$  ppm PCBs]. PCB transformers shall be drained and flushed prior to landfill disposal. The generator must certify that the PCB transformer has been drained/flushed in accordance with 40 C.F.R. 761.60(b)(1)(B). The PCB transformer shall contain no free liquids prior to landfill disposal;
- b. ***PCB Contaminated Transformers*** [as defined in 40 C.F.R. § 761.3, contains  $\geq 50$  ppm but  $< 500$  ppm PCBs]. PCB contaminated transformers shall be drained prior to landfill disposal. The PCB contaminated transformer shall contain no free liquids prior to landfill disposal;
- c. ***Non-liquid PCBs*** [as defined in 40 C.F.R. § 761.3]. This includes, but is not limited to, contaminated soil, rags, or other debris. Waste must contain no free liquids;
- d. ***PCB Containers*** [as defined in 40 C.F.R. § 761.3 and as required in 40 C.F.R. § 761.60(c)(1)]. PCB containers which have been exposed to PCB liquids at a concentration of 500 ppm or greater and have not been decontaminated shall be fully drained of any liquids prior to disposal in a landfill. PCB containers which have been exposed to PCB liquids at a concentration of less than 500 ppm, can be (1) drained of any liquids prior to disposal in a landfill or (2) disposed of in a landfill if each container is surrounded by an amount of inert sorbent material capable of absorbing all of the liquid contents of the container as allowed in 40 C.F.R. § 761.75(b)(8)(ii);
- e. ***PCB Articles*** [as defined in 40 C.F.R. § 761.3 and as required in 40 C.F.R. § 761.60]. This includes, but is not limited to, capacitors, transformers, electric motors, and pumps. PCB Articles, except capacitors, shall be drained of all free-flowing liquids prior to disposal in a landfill. The drained PCB Article liquid shall be disposed of in accordance with 40 C.F.R. § 761.60(a);
- f. ***PCB-Contaminated Electrical Equipment*** [as defined in 40 C.F.R. § 761.3 and as required in 40 C.F.R. § 761.60(b)(4), contains  $\geq 50$  ppm and  $\leq 500$  ppm PCBs in contaminating fluid]. This includes, but is not limited to, capacitors, circuit breakers, and switches. All PCB contaminated electrical equipment except capacitors shall be drained of all free-flowing liquids prior to disposal in a landfill. The drained liquids shall be disposed of in accordance with 40 C.F.R. § 761.60(a);
- g. ***PCB Remediation Waste*** [as defined in 40 C.F.R. § 761.3]. This includes, but is not limited to, soil, gravel, dredged materials and municipal sewage treatment sludge that contain PCBs. The dredged materials and municipal sewage sludge shall be dewatered so as to pass the Paint Filter Test described in the most current version of U.S. EPA Publication SW-846, "Test Methods for Evaluating Solid Wastes," Method 9095, prior to disposal in a landfill;
- h. ***PCB Bulk Product Waste*** [as defined in 40 C.F.R. § 761.3]. PCB bulk product wastes includes, but is not limited to, paint, caulk, mastics, sealants, cable insulation, and grout. See exact definition in 40 C.F.R. § 761.3 for a complete list and description of PCB bulk product waste; and
- i. ***PCB Contaminated Low Activity Radioactive Waste*** [as defined in the Waste Acceptance Criteria, Attachment 2, Waste Analysis Plan, of the State RCRA Permit]. The waste acceptance criteria are established for accepting radiological

contaminated waste material that is not regulated under the Atomic Energy Act of 1954, as amended.

#### **D. Disposal Prohibitions**

The following items are prohibited from disposal in the Cell 14, Cell 15, and Cell 16 landfills:

1. Ignitable wastes (D001) as defined and required in 40 C.F.R. § 761.75(b)(8)(iii);
2. The disposal of liquid wastes, as defined by the Paint Filter Liquid Test, described in the most current version of U.S. EPA Publication SW-846, "Test Methods for Evaluating Solid Wastes," Method 9095 [40 C.F.R. § 761.75(c)(3)(ii)];
3. Large Capacitors that contain liquids with 500 ppm or greater of PCBs [40 C.F.R. § 761.60(b)(2)(iii)];
4. PCB small capacitors owned by the manufacturer [40 C.F.R. § 761.60(b)(2)(iv)]; and
5. Any wastes including, but not limited to, mixed RCRA and TSCA regulated wastes that do not meet the land disposal restrictions at 40 C.F.R. Part 268 [40 C.F.R. § 761.75(c)(3)(ii)].

#### **E. Landfill Operations and Management of Wastes**

1. USEI shall at all times comply with the landfill and disposal requirements contained in 40 C.F.R. §§ 761.60, 761.75, 761.120, and 761.180(b).
2. USEI shall operate the Cell 14, Cell 15, and Cell 16 landfills in accordance with the procedures specified in Section 5, Excavation and Backfilling, of the Renewal Application, and Module VI, Landfill Disposal, of the State RCRA Permit [40 C.F.R. § 761.75(c)(3)(ii)].
3. PCBs and PCB Items shall be placed in landfill areas authorized for PCB disposal in a manner that will prevent damage to containers and articles [40 C.F.R. § 761.75(b)(8)(i)].
4. Wastes that are not chemically compatible with PCBs shall be separated from the PCBs throughout the waste handling and disposal process [40 C.F.R. § 761.75(b)(8)(i)].
5. USEI shall maintain a permanent and accurate record of the three-dimensional location of each waste type, based on grid coordinates, within the Cell 14, Cell 15, and Cell 16 landfills as specified in Section 4, Waste Burial Coordinates, of the Renewal Application and with Condition VI.A.7. of the State RCRA Permit [40 C.F.R. § 761.75(b)(8)(ii)].
6. USEI shall operate and maintain the Cell 14, Cell 15, and Cell 16 landfills in a manner that prevents safety problems or hazardous conditions resulting from spilled liquids and windblown materials [40 C.F.R. § 761.75(b)(9)(iii)].
7. USEI shall maintain the roads to and within Cells 14, 15, and 16 such that they are adequate to support the operation and maintenance of the landfills without causing safety or nuisance problems or hazardous conditions [40 C.F.R. § 761.75(c)(3)(ii)].
8. USEI shall control wind dispersal of particulate matter during landfill operations. Control methods shall include, but not be limited to [40 C.F.R. § 761.75(c)(3)(ii)]:

- a. Placing daily cover over deposited wastes to control wind dispersal of particulate matter;
  - b. Use of non-hazardous, non-RCRA liquids, and as specified in this Approval, leachate from the landfills in accordance with Condition VII.E.9., to suppress dispersal of particulate matter;
  - c. Avoidance of unloading dusty materials in high wind conditions;
  - d. Covering dusty loads promptly; and
  - e. Other management controls as necessary to control particulate emissions.
9. USEI may elect to use leachate from the Cell 14, Cell 15, and Cell 16 landfills for dust suppression, discharge to the ponds, for process makeup water, or for solidification provided that the following criteria are met [40 C.F.R. § 761.75 (c)(3)(ii) and 40 C.F.R. § 761.30 (u)(3)]:
- a. All leachate used for dust suppression, discharged into the evaporation ponds, used for process makeup water, or solidified in one of the treatment units shall be first treated with activated carbon or by another method acceptable to U.S. EPA and have a total PCB concentration of 0.5 ug/L or less;
  - b. Consolidated Leachate Testing - USEI shall sample and test the carbon treated leachate from RCRA Permitted Tank 4 for PCBs, a minimum, of once per month or as otherwise specified by EPA. If PCBs are detected in any leachate sample from Tank 4 at a concentration greater than 0.5 ug/L, USEI shall (1) notify U.S. EPA in writing within three days from detection that a PCB concentration greater than 0.5 ug/L has been identified in a treated leachate sample from Tank 4, (2) take a second sample of treated leachate from Tank 4 for PCB analysis, and (3) if PCBs are detected above 0.5 ug/L in the second sample, replace the activated carbon used to treat the leachate.
  - c. USEI shall record, in an electronic database, all the consolidated testing results and extracted volumes for PCBs in the leachate. The database for the leachate sampling shall, at a minimum, include the following information: sampling location (landfill or Tank 4), identification of landfill, identification of sump, sampling frequency, date and time of PCB sampling, analysis results, and the monthly volume of leachate extracted from each sump. The information contained in the database shall be submitted to U.S. EPA in two Leachate Status Reports, one submitted by March 30 of each year that covers the July to December period of the previous year and the second report submitted by September 30 that covers the January to June period of the same year. The Leachate Status Reports shall include, at a minimum, sampling location (landfill or Tank 4), identification of the landfill, the sump name, date and time of sump PCB sampling, date and time of sump pumping, the monthly volume (gallons) of leachate pumped, date and time of treated leachate sampling, PCB test results for sump and treated leachate sampling, identification of any PCB detections, the leachate collection period, database printouts included in appendices, and a summary discussion of what took place during the reporting period including an assessment of the sampling results. USEI shall put the information and data into

tables and graphs that show the leachate volume pumped versus time for each sump such that trends can be identified.

- d. Leachate shall only be used for dust suppression on the active parts of the landfills and may not be used on roads.
10. All liquid PCB wastes that are transported off-site for disposal shall be sent to a U.S. EPA-approved PCB disposal facility in accordance with 40 C.F.R. § 761.60(a).
11. The disposal of non-liquid, non-PCB wastes in the Cell 14, Cell 15, and Cell 16 landfills shall comply with the State RCRA Permit and the RCRA regulations [40 C.F.R. § 761.75(c)(3)(ii)].
12. USEI shall manage surface water in accordance with Section 3, Surface Water Handling Procedures, of the Renewal Application and with Module VII, Surface Water Management Plan, of the State RCRA Permit.

#### **F. Groundwater Monitoring**

1. USEI shall comply with the groundwater monitoring requirements specified in the PCB regulations at 40 C.F.R. § 761.75(b)(6).
2. USEI shall conduct groundwater monitoring and sampling in accordance with Section 10, Groundwater Monitoring, of the Renewal Application and Attachment 11, Groundwater Monitoring, of the State RCRA Permit. As discussed in the Renewal Application, groundwater will be sampled for PCBs on an annual basis.
3. Groundwater samples shall be analyzed for, at a minimum, PCBs, pH, specific conductance, and chlorinated organics. The analysis for chlorinated organics shall include all of the constituents listed in Test Method 8260 from the most current version of U.S. EPA Publication SW-846, "Test Methods for Evaluating Solid Wastes". The groundwater samples taken for analysis shall be unfiltered [40 C.F.R. § 761.75(b)(6)(iii)].
4. USEI shall notify U.S. EPA in writing within 7 calendar days after discovering the presence of volatile organic compounds at concentrations above Maximum Contaminant Levels (MCLs) for drinking water and/or any detectable PCBs in a groundwater sample [40 C.F.R. § 761.75(c)(3)(ii)].
5. In the event of a detectable release of volatile organic compounds above MCLs and/or PCBs to groundwater, USEI shall implement the compliance monitoring and corrective action procedures set forth in the State RCRA Permit. All required notifications and plan submittals shall be sent to U.S. EPA as well as the IDEQ [40 C.F.R. § 761.75(c)(3)(ii)].
6. USEI shall install new wells or decommission existing wells in accordance with the requirements of the State RCRA Permit. USEI shall not plug, abandon, or decommission any monitoring wells without first receiving written approval from U.S. EPA [40 C.F.R. § 761.75(c)(3)(ii)].

7. USEI shall submit to U.S. EPA an annual report that contains the analytical and field data results from the groundwater monitoring required by this Approval. The annual groundwater monitoring report shall be submitted to U.S. EPA in accordance with Condition I.P.6 of the State RCRA Permit. The annual groundwater monitoring report shall include: (1) the groundwater monitoring data, (2) an analysis of the data, (3) conclusions that discuss the significance of the current data in comparison to historical data (trends), (4) identification and discussion of any anomalies with the data, and (5) historical sampling data contained in the appendices. The data shall be reported in graphical, tabular and electronic file format as approved by U.S. EPA [40 C.F.R. § 761.75(c)(3)(ii)].

#### **G. Leachate Management, Monitoring, Sampling and Disposal**

1. USEI shall comply with the leachate collection and monitoring requirements specified in the PCB regulations at 40 C.F.R. § 761.75(b)(7).
2. Management and Monitoring of Leachate/Response Action Plan
  - a. USEI shall operate the leachate collection and detection systems for the Cell 14, Cell 15 and Cell 16 landfills in accordance with Section 2.3.8, Leachate Collection System Records, and Section 8, Leachate Collection System, of the Renewal Application, Attachment 8, Response Action Plan, of the State RCRA Permit, and in accordance with 40 C.F.R. 761.75(b). The Response Action Plan (RAP) for Cells 14, 15, and 16 provides a process for using leachate accumulation in the sumps to identify fluid level pressures on the liner system that could potentially cause it to leak. The RAP includes predetermined site-specific actions and criteria (Action Leakage Rate) that are designed to detect potential leaks at the earliest practical time such that early follow-up can minimize migration of hazardous substances outside the landfill [40 C.F.R. § 761.75(c)(3)(ii)].
  - b. USEI shall notify U.S. EPA in writing within 7 calendar days of either an exceedance of the Action Leakage Rate (ALR) or the fluid head on either liner exceeding one foot for Cells 14, 15, and 16. The ALR, which is specified in the respective RAP, is the maximum design flow rate that the leak detection system can remove without the fluid level on the liner exceeding one foot [40 C.F.R. § 761.75(c)(3)(ii)].
  - c. USEI shall operate the leachate collection and detection systems without the fluid level on any liner exceeding one foot at any time [40 C.F.R. § 761.75(c)(3)(ii)].
  - d. USEI shall, during the active life of the landfills, monitor at least on a weekly basis, the depth of liquid in all of the leachate collection and detection sumps for Cells 14, 15, and 16 in accordance with Section 2.3.8, Leachate Collection System Records, of the Renewal Application and Attachment 8, Response Action Plan, of the State RCRA Permit [40 C.F.R. § 761.75(c)(3)(ii)].
  - e. USEI shall, within 24 hours of detecting pumpable liquids with a depth of at least one foot in any collection or detection sump on landfill Cells 14, 15 or 16, pump all of the liquids from each sump in accordance with Section 2.3.8, Leachate Collection System Records, of the Renewal Application and Attachment 8, Response Action Plan, of the State RCRA Permit [40 C.F.R. § 761.75(c)(3)(ii)].

- f. The notification required by Condition VII.G.2.b must be followed by a preliminary written assessment within fourteen (14) days of the exceedance. The preliminary written assessment shall document the amount of liquid removed from the sump, likely sources of the liquids, possible location, size and cause of any leaks, and short-term actions taken and planned [40 C.F.R. § 761.75(c)(3)(ii)].
- g. Within thirty (30) days of the initial notification required by Condition VII.G.2.b, USEI shall submit to U.S. EPA a report that includes the following information and determinations: (1) an assessment of the possible source of the liquids (including estimated volumes broken down by source area), (2) results of a fingerprint, hazardous constituent, or other analysis to identify the sources of liquids and possible locations of any leaks, and the hazard and mobility of the liquid, (3) an assessment of the seriousness of the leak in terms of potential for escaping into the environment, (4) to the extent practicable, the location, size, and cause of any leak, (5) a determination whether waste receipt should cease or be curtailed, whether any waste should be removed from the unit for inspection, repairs, or for installation of controls, and whether any other short-term and long-term actions need to be taken to mitigate or stop any leaks [40 C.F.R. § 761.75(c)(3)(ii)].

USEI shall record and track, in an electronic database, the volumes of leachate pumped from collection and detection sumps on the Cell 14, Cell 15, and Cell 16 landfills. The data, tables, graphs, and an assessment of the tracking data and trend analysis shall be included in the Leachate Status Report required in Condition VII.E.9.c. of this Approval [40 C.F.R. § 761.75(c)(3)(ii)].

- h. USEI shall, during the post-closure periods for Cells 14, 15, and 16, follow the leachate monitoring protocol for post closure in accordance with Section 1.3.h.(1), Leachate Collection, Detection, and Removal System, Attachment 9, Closure and Post Closure Plans, of the State RCRA Permit [40 C.F.R. § 761.75(c)(3)(ii)].

### 3. Leachate Sampling and Analysis

- a. USEI shall take samples of leachate from all collection and detection sumps that contain measurable leachate liquids on a quarterly basis and analyze the samples for, at a minimum, PCBs, pH, specific conductance and chlorinated organics [40 C.F.R. § 761.75(b)(6)(iii)]. The analysis for chlorinated organics shall include all of the constituents listed in Test Method 8260 from the most current version of U.S. EPA Publication SW-846, "Test Methods for Evaluating Solid Wastes."
- b. USEI shall conduct leachate sampling in accordance with the applicable procedures contained in Attachment 2, Waste Analysis Plan, of the State RCRA Permit. The analysis method shall have a detection limit for PCBs that is at or below 0.5 ug/L [40 C.F.R. § 761.75(c)(3)(ii)].
- c. USEI shall submit in writing to U.S. EPA a notice informing U.S. EPA whenever total PCBs are detected at a concentration of 0.5 ug/L or more in any leachate collection or detection sump. The notice shall be provided within 3 calendar days of when PCBs are detected in any leachate collection or detection sump [40 C.F.R. § 761.75(c)(3)(ii)].

- d. USEI shall include the data and information required in this section as part of the Leachate Status Report required in Condition VII.E.9.c. of this Approval [40 C.F.R. § 761.75(c)(3)(ii)].
4. Disposal of Leachate
    - a. USEI shall either treat the leachate to acceptable limits for discharge in accordance with a State or Federal permit or dispose of it by another State or Federally approved method [40 C.F.R. § 761.75(b)(7)].

#### **H. Inspection Requirements for Landfill Units**

1. USEI shall inspect Cell 14, Cell 15, and Cell 16 in accordance with Section 14, PCB Inspection Plan, of the Renewal Application and Attachment 4, Inspection Plan, of the State RCRA Permit. Inspections shall be carried out according to the schedule specified in the above referenced plans [40 C.F.R. § 761.75 (c)(3)(ii)].
2. USEI shall, during the active life of the landfills, conduct inspections of Cell 14, Cell 15, and Cell 16 that, at a minimum [40 C.F.R. § 761.75(c)(3)(ii)]:
  - a. Ensure adequate daily cover to protect against erosion and wind dispersal;
  - b. Look for the presence of standing water;
  - c. Ensure that all drums and bulk materials are covered properly;
  - d. Ensure dust emission controls are fully implemented;
  - e. Ensure that safety and fire control equipment are readily available;
  - f. Ensure that equipment utilized during unloading is stored inside the disposal area during non-working hours;
  - g. Look for signs of tears/damage to synthetic liners;
  - h. Look for signs of material leakage;
  - i. Check for deterioration, malfunctions, or improper operation of the run-on and run-off control systems including the run-on control ditches;
  - j. Check for proper functioning of wind dispersal control systems, where present; and
  - k. Check for the presence of leachate in and proper functioning of leachate collection and removal systems.
3. USEI shall conduct inspections of Cells 14, Cell 15, and Cell 16 within 24 hours or on the next business day after a storm event of 0.25 inches or greater and/or when sustained wind speed conditions exceeding 25 mph are confirmed to, detect evidence of any of the following [40 C.F.R. § 761.75(c)(3)(ii)]:
  - a. Signs of instability or erosion in above grade dikes;
  - b. Erosion of daily cover applied for wind dispersal and areas of exposed waste;
  - c. Deterioration, malfunction, or improper operation of the run-on and run-off system; and
  - d. The presence of leachate in, and the proper functioning of, the leachate collection and removal system.

4. USEI shall evaluate and address all deficiencies identified during the inspections of Cell 14, Cell 15, and Cell 16 in accordance with Section 14, PCB Inspection Plan, of the Renewal Application and Attachment 4, Inspection Plan, of the State RCRA Permit [40 C.F.R. § 761.75(c)(3)(ii)].
5. USEI shall document all inspections of Cell 14, Cell 15, and Cell 16 using the inspection report forms contained in Attachment 4, Inspection Plan, of the State RCRA Permit [40 C.F.R. § 761.75(c)(3)(ii)].

#### **I. Closure of Landfill Units**

1. USEI shall notify U.S. EPA in writing at least 180 days prior to the date it expects to begin closure of any of the landfill units. If needed at the time of closure, USEI shall also include in the notification a request to modify the Closure Plan, pursuant to the modification process under Subsection VII.A of this Approval [40 C.F.R. § 761.75(c)(3)(ii)].
2. USEI shall begin closure activities for an active landfill within 60 days of when the unit reaches its maximum disposal capacity [40 C.F.R. § 761.75(c)(3)(ii)].
3. Unless U.S. EPA has approved a modification to the closure plan at the time of closure as described in Subsection VII.I.1, USEI shall conduct final closure activities for Cell 14, Cell 15, and Cell 16 in accordance with Section 18, Closure, Post Closure Plan and Financial Requirements, of the Renewal Application, Attachment 9, Closure and Post-Closure Plans, Attachment 9a, Final Cover Design for Cells 14 and 15, and Attachment 9b, Response to DEQ Comments Cell 16 Evapotranspiration Cover Design, of the State RCRA Permit [40 C.F.R. § 761.75(c)(3)(ii)].
4. USEI shall submit a request to U.S. EPA to modify the Closure Plan pursuant to Subsection VIII.A of this Approval within 30 days of the following [40 C.F.R. § 761.75(c)(3)(ii)]:
  - a. Changes in ownership, operating plans, Facility design or Facility operations that affect the Closure Plan;
  - b. A change in the expected date of closure, if applicable;
  - c. An unexpected event occurring during closure activities; or
  - d. Changes to EPA regulations that would affect the Closure Plan requirements.

The corresponding post-closure plan for these units shall also be modified as necessary to be consistent with any changes made to the closure plan.

#### **J. Post-Closure Care for Landfill Units**

1. USEI shall conduct post-closure care for the Cell 14, Cell 15, and Cell 16 landfills. Post-closure care shall begin after final closure is certified complete for each unit and continue for 30 years after the date of closure for each unit, which is hereinafter referred to as the “post-closure care period” [40 C.F.R. § 761.75(c)(3)(ii)].



2. USEI shall, after the final closure is certified complete, follow the procedures in the Section 18, Closure, Post Closure Plan and Financial Requirements, of the Renewal Application, Attachment 9, Closure and Post-Closure Plans, Attachment 9a, Final Cover Design for Cells 14 and 15, and Attachment 9b, Response to DEQ Comments Cell 16 Evapotranspiration Cover Design, of the State RCRA Permit [40 C.F.R. § 761.75(c)(3)(ii)].
3. USEI shall monitor and sample the groundwater throughout the post-closure care period following the procedures specified in Subsection VII.F of this Approval [40 C.F.R. § 761.75(c)(3)(ii)].
4. USEI shall monitor, sample and pump leachate throughout the post-closure care period following the procedures specified in Subsection VII.G. of this Approval [40 C.F.R. § 761.75(c)(3)(ii)].
5. USEI shall inspect and maintain the groundwater monitoring system, final cover, and leachate collection system throughout the post-closure care period in accordance with Condition VII.J.2. [40 C.F.R. § 761.75(c)(3)(ii)].
6. USEI shall inspect landfills in post-closure care within 24 hours or on the next business day after a storm event of 0.25 inches or greater and/or when sustained wind speed conditions exceeding 25 mph are confirmed, to detect evidence of any of the following [40 C.F.R. § 761.75(c)(3)(ii)]:
  - a. Signs of instability or erosion in the final cover and above grade dikes;
  - b. Deterioration, malfunction, or improper operation of the run-on and run-off system; and
  - c. The presence of leachate in, and the proper functioning of, the leachate collection and removal system.
7. USEI shall document all inspections of landfills in post-closure care using the inspection report forms contained in Attachment 4, Inspection Plan, of the State RCRA Permit. USEI shall also document actions taken to address any deficiencies identified during the inspections [40 C.F.R. § 761.75(c)(3)(ii)].
8. USEI shall maintain the integrity and effectiveness of the final cover, including making repairs to the cap, as necessary, to correct the effects of settling, subsidence, erosion, or other events throughout the post-closure care period [40 C.F.R. § 761.75(c)(3)(ii)].
9. USEI shall prevent run-on and run-off from eroding or otherwise damaging the final cover and protect and maintain surveyed benchmarks such that they can be used to determine landfill elevations throughout the post-closure care period [40 C.F.R. § 761.75(c)(3)(ii)].
10. USEI shall annually survey the elevation of the closure caps to verify that the caps are not eroding or are otherwise being compromised and include the results in the annual report required by Condition IV.N.5.a. The annual report shall be submitted to U.S. EPA by July 15 of each year throughout the post-closure care period [40 C.F.R. § 761.75(c)(3)(ii)].

11. At least eighteen months prior to the end of the most recent post-closure care period, USEI shall submit to U.S. EPA an Approval modification request, in accordance with Subsection VIII.A of this Approval, that contains an updated post-closure care plan that renews the post-closure care period for an additional thirty years. The modification request shall also include a revised post-closure care cost estimate and corresponding financial assurance mechanism. USEI may submit, prior to the eighteen-month time period, a demonstration to U.S. EPA showing why it believes that an additional 30-year post-closure care period is not necessary. If U.S. EPA approves the demonstration, USEI will not be required to submit a new Approval modification request. USEI shall continue to submit 30-year post-closure renewal modification requests until such time that U.S. EPA determines that post-closure care is no longer necessary. Unless U.S. EPA approves any Approval modification request submitted pursuant to this Condition, USEI shall continue post-closure care activities consistent with its current post-closure care plan [40 C.F.R. § 761.65(d)(4)(iv), 40 C.F.R. § 761.75(c)(3)(ii)]

### **VIII. Procedures to Modify, Transfer, Revoke, Suspend, Deny, Continue or Renew Approval**

The filing of a request by USEI for an Approval modification, revocation or termination, or the notification of planned changes or anticipated noncompliance on the part of USEI, does not stay the applicability or enforceability of any Approval condition. The Approval conditions for this Section are being required pursuant to the TSCA regulations at 40 C.F.R. § 761.65(d)(4)(iv) and 40 C.F.R. § 761.75(c)(3)(ii).

#### **A. Modifications**

1. Modifications to this Approval Initiated by U.S. EPA

U.S. EPA may modify this Approval for any of the causes identified below. In modifying this Approval for cause, U.S. EPA may request an updated application from USEI, as necessary, in accordance with the applicable procedures set forth in Condition VIII.A.2.c-d.

- a. Causes for Modifications by U.S. EPA

The following are causes for modification of this Approval:

- (1) **Alterations.** There are material and substantial alterations or additions to the Facility or activity which occurred after the Approval was issued which justify the application of conditions that are different from, or absent in, the existing Approval.
- (2) **Information.** U.S. EPA has received new or different information that was not available or not provided at the time of Approval issuance that would have justified the application of different Approval conditions at the time of issuance.
- (3) **New statutory requirements or regulations.** The standards or regulations on which the Approval was based have been impacted by statutory revisions, through promulgation of new or amended regulations, or by judicial decision after the Approval was issued.

- (4) ***Compliance and/or construction schedules.*** U.S. EPA determines good cause exists for modification of a compliance and/or construction schedule, such as an act of God, strike, flood, or materials shortage or other events over which USEI has little or no control and for which there is no reasonably available remedy.

2. Modifications to this Approval Requested by USEI

- a. Approval modifications for USEI are divided into three classifications: Class 1, Class 2 and Class 3. The classifications determine the procedure USEI must follow to modify the Approval. Appendix A of this Approval lists the classifications that correspond to anticipated potential modification types.

b. Class 1 Approval Modification Procedures

- (1) Except as provided in Condition VIII.A.2.b(2), USEI may implement Class 1 modifications as specified in Appendix A of this Approval under the following conditions:
  - (a) USEI must notify U.S. EPA concerning the modification by certified mail or other means that establish proof of delivery within 7 calendar days after the change is put into effect. This notice must specify the requested changes to Approval conditions or supporting documents referenced by the Approval and must explain why they are necessary;
  - (b) USEI must send a notice of the modification to all persons on the Facility mailing list. This notification must be made within 90 calendar days after the change is implemented. For the Class 1 modifications that require prior U.S. EPA approval, the notification must be made within 90 calendar days after U.S. EPA approves the request; and
  - (c) Any person may request U.S. EPA to review, and U.S. EPA may for cause reject, any Class 1 modification. U.S. EPA will inform USEI if a Class 1 modification has been rejected, explaining the reasons for the rejection. If a Class 1 modification has been rejected, USEI must comply with the original Approval conditions.
- (2) Class 1 permit modifications identified in Appendix A by an asterisk may be made only with the prior written approval of U.S. EPA.
- (3) For a Class 1 Approval modification, USEI may elect to follow the procedures for Class 2 modifications instead of the Class 1 procedures. USEI must inform U.S. EPA of this decision in the notice required in Condition VIII.A.2.c(1).

c. Class 2 Approval Modification Procedures

- (1) For Class 2 modifications, listed in Appendix A of this Approval, USEI must submit a modification request to U.S. EPA that:
  - (a) Describes the requested change to the Approval conditions and supporting documents referenced by the Approval;

- (b) Identifies that the modification is a Class 2 modification;
  - (c) Explains why the modification is needed; and
  - (d) Provides relevant supporting information and documentation.
- (2) USEI must send a notice of the modification request to all persons on the Facility mailing list and to the appropriate units of State and local government and must publish this notice in a major local newspaper of general circulation. This notice must be mailed and published within 7 days before or after the date of submission of the modification request, and USEI must provide U.S. EPA with evidence of the mailing and publication. The notice must include:
- (a) Announcement of a 60-day comment period, and the name and address of a U.S. EPA contact to whom comments must be sent;
  - (b) Announcement of the date, time, and place for a public meeting;
  - (c) Name and telephone number of USEI's contact person;
  - (d) Name and telephone number of a U.S. EPA contact person; and
  - (e) Location where copies of the modification request and any supporting documents can be viewed and copied.
- (3) USEI must place a copy of the Approval modification request and supporting documents in a location accessible to the public in the vicinity of the Facility.
- (4) USEI must hold a public meeting no earlier than 15 days after the publication of the notice required in Condition VIII.A.2.c(2) and no later than 15 days before the close of the 60-day comment period. The meeting must be (1) held to the extent practicable in the vicinity of the Facility, and (2) recorded with a written transcription made and provided to U.S. EPA within 7 calendar days of the meeting.
- (5) The public shall be provided 60 days to comment on the modification request. The comment period will begin on the date USEI publishes the notice in the local newspaper. Comments should be submitted to the U.S. EPA contact identified in the public notice.
- (6) No later than 120 days after receipt of the notice of modification request, U.S. EPA will:
- (a) Approve the modification request, with or without changes, and modify the Approval accordingly;
  - (b) Deny the request;
  - (c) Determine that the modification request must follow the procedures for Class 3 modifications for the following reasons:
    - (i) There is significant public concern about the proposed modification;
    - or
    - (ii) The complex nature of the change requires the more extensive procedures of Class 3.
  - (d) Approve the request, with or without changes, as a temporary authorization having a term of up to 180 days, or

- (e) Notify USEI that U.S. EPA will need additional time to decide on the request.
- (7) If U.S. EPA fails to make one of the decisions specified in Condition VIII.A.2.c(6)(a) through (d) by the 120th day after receipt of the notice of modification request and fails to extend the time for U.S. EPA consideration under Condition VIII.A.2.c(6)(e), the modification request is automatically approved and USEI is authorized to conduct the activities described in the Approval modification request for the duration of the Approval unless modified later using these procedures. The authorized activities must be conducted as described in the Approval modification request and must be in compliance with all appropriate standards of 40 C.F.R. Part 761.
- (8) U.S. EPA may deny a Class 2 Approval modification request under Conditions VIII.A.2.c(6) through c(7) for the following reasons:
  - (a) The modification request is incomplete;
  - (b) The requested modification does not comply with the appropriate requirements of 40 C.F.R. Part 761 or other applicable requirements; or
  - (c) The conditions of the modification fail to adequately protect human health and the environment.
  - (d) USEI may perform any construction associated with a Class 2 Approval modification request beginning 120 days after the submission of the request unless U.S. EPA establishes a later date for commencing construction and informs USEI in writing before day 120.

d. Class 3 Approval Modification Procedures

- (1) For Class 3 modifications listed in Appendix A of this Approval, USEI must submit a modification request to U.S. EPA that:
  - (a) Describes the requested change to the Approval conditions and supporting documents referenced by the Approval;
  - (b) Identifies that the modification is a Class 3 modification;
  - (c) Explains why the modification is needed; and
  - (d) Provides relevant supporting information and documentation.
- (2) USEI must send a notice of the modification request to all persons on the Facility mailing list and to the appropriate units of State and local government and must publish this notice in a major local newspaper of general circulation. This notice must be mailed and published within 7 days before or after the date of submission of the modification request, and USEI must provide to U.S. EPA evidence of the mailing and publication. The notice must include:
  - (a) Announcement of a 60-day comment period, and the name and address of an U.S. EPA contact to whom comments must be sent;
  - (b) Announcement of the date, time, and place for a public meeting;
  - (c) Name and telephone number of USEI's contact person;
  - (d) Name and telephone number of a U.S. EPA contact person; and

- (e) Location where copies of the modification request and any supporting documents can be viewed and copied.
- (3) USEI must place a copy of the Approval modification request and supporting documents in a location accessible to the public in the vicinity of the Facility.
- (4) USEI must hold a public meeting no earlier than 15 days after the publication of the notice required in Condition VIII.A.2.d(2) and no later than 15 days before the close of the 60-day comment period. The meeting must be (1) held to the extent practicable in the vicinity of the Facility, and (2) recorded with a written transcription made and provided to U.S. EPA within 7 calendar days of the meeting.
- (5) The public shall be provided 60 days to comment on the modification request. The comment period will begin on the date USEI publishes the notice in the local newspaper. Comments should be submitted to the U.S. EPA contact identified in the public notice.
- (6) U.S. EPA will consider all comments provided during the 60-day comment period and will either grant or deny the Approval modification request. Until EPA issues a decision the terms and conditions of the existing approval apply.

e. Other Modifications

- (1) In the case of modifications not explicitly listed in Appendix A of this Approval, USEI may submit a Class 3 modification request to U.S. EPA, or it may request a determination by U.S. EPA that the modification should be reviewed and approved as a Class 1 or Class 2 modification. If USEI requests that the modification be classified as a Class 1 or 2 modification, it must provide U.S. EPA with the necessary information, as determined by U.S. EPA, to support the requested classification.
- (2) U.S. EPA shall make the determination described in Condition VIII.A.2.e(1) as promptly as practicable. In determining the appropriate class for a specific modification, U.S. EPA shall consider the similarity of the modification to other modifications codified in Appendix A and the following criteria:
  - (a) Class 1 modifications apply to minor changes that keep the Approval current with routine changes to the Facility or its operation. These changes do not substantially alter the Approval conditions or reduce the capacity of the Facility to protect human health or the environment. In the case of Class 1 modifications, U.S. EPA may require prior approval.
  - (b) Class 2 modifications apply to changes that are necessary to enable USEI to respond in a timely manner to:
    - (i) Common variations in the types and quantities of the wastes managed under the Approval;
    - (ii) Technological advancements; or

(iii) Changes necessary to comply with new regulations, where these changes can be implemented without substantially changing design specifications or management practices required by the Approval.

(c) Class 3 modifications are any modifications that do not fall under Class 1 or Class 2 and tend to substantially alter the Facility or its operations.

## **B. Transfer of Ownership**

1. At least 30 days prior to the proposed transfer of ownership of the property or the proposed transfer of the right to operate PCB management activities at the Facility, USEI shall:
  - a. Submit notice to U.S. EPA that includes a notarized affidavit signed by the transferee which states that the transferee will abide by this Approval [40 C.F.R. § 761.65(j) and 40 C.F.R. § 761.75(c)(7)]; and
  - b. Provide evidence of financial assurance for closure and post-closure that the transferee will have in effect as of the date of proposed transfer.
2. Within 30 days of receiving the notification and affidavit discussed in Condition VIII.B.1, EPA will issue an amended approval substituting the transferee's name for the transferor's name, or EPA may require the transferee to apply for a new chemical waste landfill approval. In the latter case, the transferee must abide by the transferor's EPA approval until EPA issues the new approval to the transferee [40 C.F.R. § 761.75(c)(7)].

## **C. Revocation or Suspension of Renewal**

1. U.S. EPA may issue a notice of deficiency, suspend or revoke this Approval, deny an Application for Approval renewal, or take an enforcement action, if U.S. EPA determines that one or more of the following conditions have occurred [40 C.F.R. § 761.65(d)(4)(iv) and 40 C.F.R. § 761.75(c)(3)(ii)]:
  - a. Noncompliance with the conditions of this Approval or with the PCB regulations at 40 C.F.R. Part 761;
  - b. Failure by USEI in the Approval application or Approval issuance process to disclose fully all relevant facts, or USEI's misrepresentation of any relevant facts at any time;
  - c. U.S. EPA's issuance of new regulations, standards or guidance for issuing PCB approvals;
  - d. EPA determines the PCB waste management process is being operated in a manner that may result in an unreasonable risk to human health and the environment; or
  - e. U.S. EPA has not received a complete or non-deficient Approval application prior to expiration of this Approval, or by a date specified by U.S. EPA if the U.S. EPA determines that a new or revised application is necessary to prevent an unreasonable risk of injury to health or the environment.

## **D. Continuation**

1. The conditions of this Approval shall continue beyond the expiration date if:

- a. USEI has submitted a timely and complete Application for renewal to U.S. EPA in accordance with Subsection VIII.E of this Approval; and
- b. U.S. EPA does not deny the renewal application by the expiration date or issue a new Approval with an effective date on or before the expiration date of this Approval.

#### **E. Renewal or Closure**

1. USEI shall, at least 180 days, but not more than 270 days, prior to expiration of this Approval, submit to U.S. EPA either a written notice of its intent to seek renewal of the Approval or a revised Closure Plan to initiate the closure process for the Facility. If USEI requests renewal of the Approval, the written notice shall consist of an application that includes all documents necessary to satisfy the requirements for a TSCA PCB Approval under 40 C.F.R. Part 761. If USEI intends to close the Facility, the applicable closure portions of the Renewal Application and State RCRA Permit and its attachments shall be revised, to the extent necessary, to reflect current operating conditions at the Facility. USEI must comply with the Closure Plan modification requirements under Section VIII.A.

#### **IX. Definitions**

Unless otherwise defined below, all the terms and acronyms used in this Approval shall have the same definitions as those set forth in Section 3 of TSCA, 15 U.S.C. § 2602, and 40 C.F.R. § 761.3.

1. “Approval” means this TSCA Approval to operate a facility that manages PCBs.
2. “C.F.R.” means the Code of Federal Regulations.
3. “Closure Plan” means the Closure Plan for the Facility.
4. “Day” means a calendar day unless otherwise stated as an operating day.
5. “Facility” means the USEI hazardous waste management facility located near Grand View, Idaho
6. “Facility Mailing List” means the list of persons, organizations and government agencies that will receive copies of correspondence related to the TSCA Approval.
7. “Independent Third Party” means a contractor hired by USEI to perform work at the Facility.
8. “Information Repository” means the reference desk of the local Library.
9. “Local Library” means the library located in Grand View, Idaho. Information sent to the library should be directed to the reference desk.
10. “mg/L” means milligrams per liter or parts per million
11. “IDEQ” means Idaho Department of Environmental Quality
12. “Operator” means US Ecology Idaho



13. "PCB or PCBs" means any chemical substance that is limited to the biphenyl molecule that has been chlorinated to varying degrees or any combination of substances which contains such substance.
14. "PCB Item" means any PCB Article, PCB Article Container, PCB Container, PCB Equipment, or anything that deliberately or unintentionally contains or has as a part of it any PCB or PCBs.
15. "PPM" means parts per million or milligrams per kilogram.
16. "State RCRA Permit" refers to Permit Number IDD073114654 issued to USEI by the Idaho Department of Environmental Quality on July 28, 2016 and modified on June 28, 2022 for management of hazardous wastes.
17. "TSCA" means Toxic Substances Control Act, 15 USC 2601 *et seq.* and 40 C.F.R. Part 761.
18. "U.S. EPA" means the United States Environmental Protection Agency, Region 10 Office.

# FIGURES

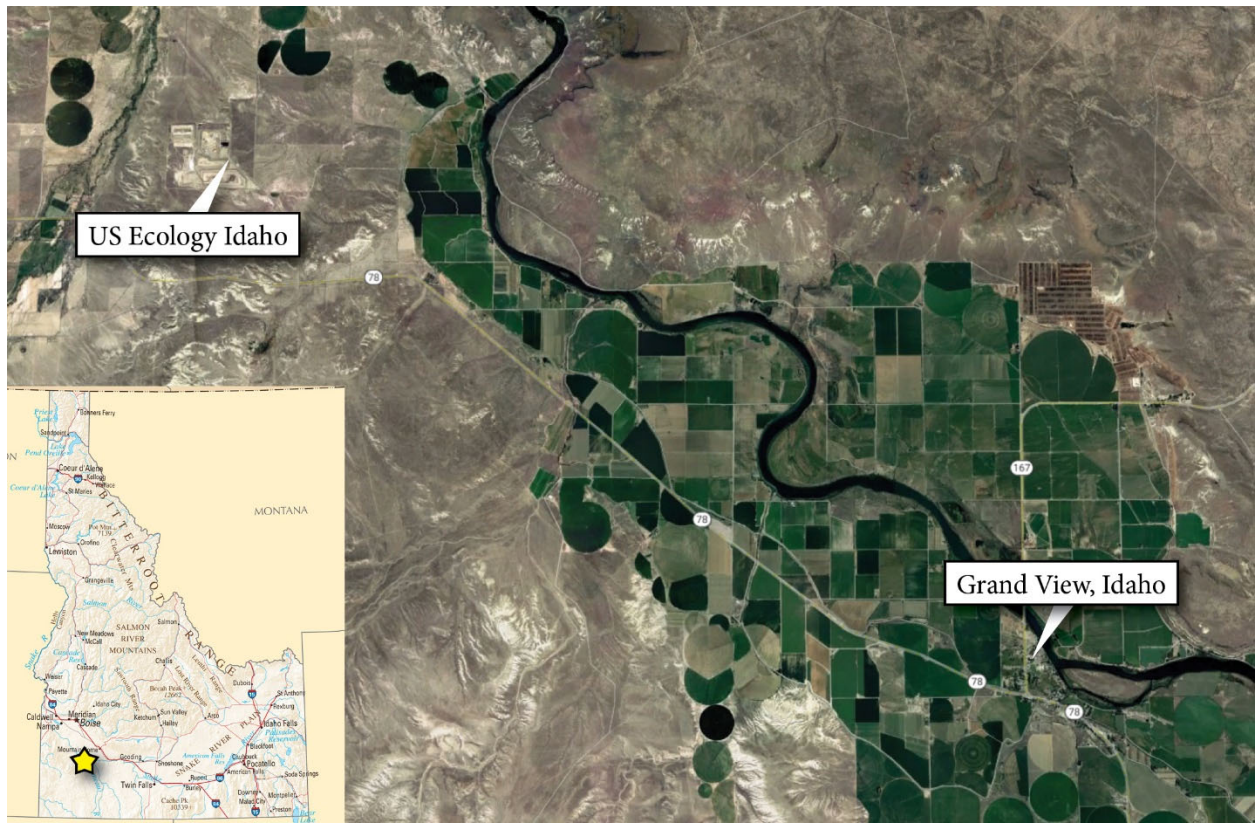


Figure 1 - Site Location Map



1. Landfill Cell 14
2. Landfill Cell 15
3. Landfill Cell 16
4. Pad 4 - RCRA Container Storage
5. Pad 5 - RCRA Container Storage
7. Pad 7 - RCRA Container Storage Building
8. Pad 8 - RCRA Container Storage
9. Indoor Stabilization Building
10. Outdoor Stabilization Facility



Figure 2 - Units Approved for PCB Waste Management

# **APPENDICES**

## **Appendix A**

### **Approval Modification Classifications TSCA Approval US Ecology Idaho, Inc.**

## Appendix A - Approval Modification Classifications

Modifications	Class
<i>A. General Approval Provisions</i>	
1. Administrative and informational changes	1
2. Correction of typographical errors	1
3. Equipment replacement or upgrading with functionally equivalent components (e.g., pipes, valves, pumps, conveyors, controls)	1
4. Changes in the frequency of or procedures for monitoring, reporting, sampling, or maintenance activities by US Ecology:	
a. To provide for more frequent monitoring, reporting, sampling, or maintenance	1
b. Other changes	2
5. Schedule of compliance/construction:	
a. Changes in interim compliance dates, with prior approval of U.S. EPA	1 <sup>1</sup>
b. Extension of final compliance date	3
6. Changes in expiration date of Approval to allow earlier termination, with prior approval of U.S. EPA	1 <sup>1</sup>
7. Changes in ownership or operational control of a facility	1 <sup>1</sup>
8. Changes to remove Approval conditions that are no longer applicable ( <i>i.e.</i> , because the standards upon which they are based are no longer applicable to the facility).	1 <sup>1</sup>
<i>B. General Facility Standards</i>	
1. Changes to waste sampling or analysis methods:	
a. To conform with agency guidance or regulations	1
b. To incorporate changes associated with F039 (multi-source leachate) sampling or analysis methods	1
c. To incorporate changes associated with underlying hazardous constituents in ignitable or corrosive wastes	1 <sup>1</sup>
d. Other changes	2

2. Changes to analytical quality assurance/control plan:	
a. To conform with agency guidance or regulations	1
b. Other changes	2
3. Changes in procedures for maintaining the operating record	1
4. Changes in frequency or content of inspection schedules	2
5. Changes in the training plan:	
a. That affect the type or decrease the amount of training given to employees	2
b. Other changes	1
6. Contingency plan:	
a. Changes in emergency procedures (i.e., spill or release response procedures)	2
b. Replacement with functionally equivalent equipment, upgrade, or relocate emergency equipment listed	1
c. Removal of equipment from emergency equipment list	2
d. Changes in name, address, or phone number of coordinators or other persons or agencies identified in the plan	1
7. Construction quality assurance plan:	
a. Changes that the CQA officer certifies in the operating record will provide equivalent or better certainty that the unit components meet the design specifications	1
b. Other changes	2
Note: When an Approval modification (such as introduction of a new unit) requires a change in facility plans or other general facility standards, that change shall be reviewed under the same procedures as the Approval modification.	
<i>C. Ground-Water Protection</i>	
1. Changes to wells:	
a. Changes in the number, location, depth, or design of up gradient or downgradient wells of the ground-water monitoring system	2
b. Replacement of an existing well that has been damaged or rendered inoperable, without change to location, design, or depth of the well	1



2. Changes in ground-water sampling or analysis procedures or monitoring schedule, with prior approval of U.S. EPA	1 <sup>1</sup>
3. Changes in statistical procedure for determining whether a statistically significant change in ground-water quality between up gradient and downgradient wells has occurred, with prior approval of U.S. EPA	1 <sup>1</sup>
4. Changes in point of compliance	2
5. Changes in indicator parameters, hazardous constituents, or concentration limits (including ACLs):	
a. As specified in the groundwater protection standard	3
b. As specified in the detection monitoring program	2
6. Changes to a detection monitoring program, unless otherwise specified in this appendix	2
7. Compliance monitoring program:	
a. Addition of compliance monitoring program	3
b. Changes to a compliance monitoring program unless otherwise specified in this appendix	2
8. Corrective action program:	
a. Addition of a corrective action program	3
b. Changes to a corrective action program, unless otherwise specified in this appendix	2
<i>D. Closure</i>	
1. Changes to the closure plan:	
a. Changes in estimate of maximum extent of operations or maximum inventory of waste on-site at any time during the active life of the facility, with prior approval of U.S. EPA	1 <sup>1</sup>
b. Changes in the closure schedule for any unit, changes in the final closure schedule for the facility, or extension of the closure period, with prior approval of U.S. EPA	1 <sup>1</sup>
c. Changes in the expected year of final closure, where other Approval conditions are not changed, with prior approval of U.S. EPA	1 <sup>1</sup>
d. Changes in procedures for decontamination of facility equipment or structures, with prior approval of U.S. EPA	1 <sup>1</sup>

e. Changes in approved closure plan resulting from unexpected events occurring during partial or final closure, unless otherwise specified in this appendix	2
2. Creation of a new landfill unit as part of closure	3
3. Addition of the following new units to be used temporarily for closure activities:	
a. Surface impoundments	3
b. Incinerators	3
c. Tanks or containers (other than specified below)	2
d. Tanks used for neutralization, dewatering, phase separation, or component separation, with prior approval of U.S. EPA	1 <sup>1</sup>
e. Staging piles	2
<i>E. Post-Closure</i>	
1. Changes in name, address, or phone number of contact in post-closure plan	1
2. Extension of post-closure care period	2
3. Reduction in the post-closure care period	3
4. Changes to the expected year of final closure, where other Approval conditions are not changed	1
5. Changes in post-closure plan necessitated by events occurring during the active life of the facility, including partial and final closure	2
<i>F. Containers</i>	
1. Modification or addition of container units:	
a. Resulting in greater than 25% increase in the facility's container storage capacity	3
b. Resulting in up to 25% increase in the facility's container storage capacity	2
2. Modification of Containers	
a. Modification of a container unit without increasing the capacity of the unit	2
b. Addition of a roof to a container unit without alteration of the containment system	1
3. Storage of different wastes in containers	

a. That require additional or different management practices from those authorized in the Approval	3
b. That do not require additional or different management practices from those authorized in the Approval	2
<i>G. Tanks</i>	
1. Modification of Tanks	
a. Modification or addition of tank units resulting in greater than 25% increase in the facility's tank capacity	3
b. Modification or addition of tank units resulting in up to 25% increase in the facility's tank capacity	2
c. Addition of a new tank that will operate for more than 90 days using any of the following physical or chemical treatment technologies: neutralization, dewatering, phase separation, or component separation	2
d. After prior approval of U.S. EPA, addition of a new tank that will operate for up to 90 days using any of the following physical or chemical treatment technologies: neutralization, dewatering, phase separation, or component separation	1 <sup>1</sup>
2. Modification of a tank unit or secondary containment system without increasing the capacity of the unit	2
3. Replacement of a tank with a tank that meets the same design standards and has a capacity within $\pm 10\%$ of the replaced tank provided	1
-The capacity difference is no more than 1500 gallons,	
-The facility's permitted tank capacity is not increased, and	
-The replacement tank meets the same conditions in the Approval.	
4. Modification of a tank management practice	2
5. Management of different wastes in tanks:	
a. That require additional or different management practices, tank design, different fire protection specifications, or significantly different tank treatment process from that authorized in the Approval	3
b. That do not require additional or different management practices, tank design, different fire protection specifications, or significantly different tank treatment process than authorized in the Approval	2
<i>H. Landfills</i>	

1. Modification or addition of landfill units that result in increasing the facility's disposal capacity	3
2. Replacement of a landfill	3
3. Addition or modification of a liner, leachate collection system, leachate detection system, run-off control, or final cover system	3
4. Modification of a landfill unit without changing a liner, leachate collection system, leachate detection system, run-off control, or final cover system	2
5. Modification of a landfill management practice	2
6. Landfill different wastes:	
a. That require additional or different management practices, different design of the liner, leachate collection system, or leachate detection system	3
b. That do not require additional or different management practices, different design of the liner, leachate collection system, or leachate detection system	2
8. Changes in response action plan:	
a. Increase in action leakage rate	3
b. Change in a specific response reducing its frequency or effectiveness	3
c. Other changes	2

<sup>1</sup>Class 1 modifications requiring prior U.S. EPA approval.