

**Approval for Commercial Storage of Polychlorinated  
Biphenyls ("PCBs")**

**Clean Harbors Los Angeles, LLC  
Los Angeles, California  
U.S. EPA ID: CAD 050806850**

**Issued by  
U.S. Environmental Protection Agency, Region 9  
San Francisco, California**

**October 24, 2013**



**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY**  
**REGION IX**  
**75 Hawthorne Street**  
**San Francisco, CA 94105**

**October 24, 2013**

**PROPOSED APPROVAL FOR A TOXIC SUBSTANCES CONTROL ACT  
PCB COMMERCIAL STORAGE FACILITY**

**FACILITY:** Clean Harbors Los Angeles, LLC

**U.S. EPA ID Number:** CAD 050806850

The United States Environmental Protection Agency, Region 9 ("U.S. EPA") is renewing and modifying an Approval issued to Clean Harbors, as site owner/operator (the "Owner/Operator") to continue to operate a commercial polychlorinated biphenyls ("PCB") storage facility in Los Angeles, CA (hereinafter "Facility" or "CHLA") (see Figure 1, Site Location Map). 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. This Approval ("TSCA Approval" or "Approval") authorizes Clean Harbors to store PCB wastes at their facility located in Los Angeles, CA.

Clean Harbors shall comply with and operate the Facility in accordance with (1) all terms and conditions of this Approval as stated herein, (2) plans incorporated by reference into this Approval, and (3) the PCB regulations at 40 C.F.R. Part 761 including any future modifications. All terms and conditions of this Approval are severable. If any provision of this Approval is determined to be invalid, Clean Harbors shall be subject to all remaining conditions.

This Approval is issued pursuant to the written renewal application titled "*TSCA Commercial Storage Permit Renewal Application, Clean Harbors Los Angeles, LLC*" submitted on June 5, 2013. This application was originally submitted as the "*Safety-Kleen (Los Angeles), Inc. Re-application for TSCA PCB Storage Authorization, August 1, 2001*," and was revised on December 16, 2010 and September 12, 2012 prior to the final, June 5, 2013 application (Appendix A). These submissions collectively make up the "Renewal Application." Inaccuracies found in the written information provided by Clean Harbors as part of its Renewal Application may be grounds for the termination or modification of this Approval.

Clean Harbors is currently operating under an Approval to manage PCB wastes issued by U.S. EPA in 1997 (Appendix B). On August 1, 2001, the former site owner Safety-Kleen submitted

<sup>1</sup>The EPA Administrator delegated authority to issue approvals under TSCA to the Regional Administrator of Region 9 by EPA Delegation Order 12-5 issued January 9, 2008. The Regional Administrator further delegated authority to issue approvals to the Director of the Waste Management Division by EPA Regional Order 1260.02D issued February 11, 2008.

an application to renew the 1997 Approval prior to its expiration on February 15, 2002. Safety-Kleen transferred ownership of the facility to Clean Harbors in 2002. Clean Harbors shall continue to operate under the 1997 Approval until U.S. EPA makes a final decision on the Renewal Application.

In general terms, this Approval, subject to its terms and conditions, authorizes Clean Harbors to: (1) Store PCB waste in the Container Storage Warehouse and (2) Drain and repackage PCB liquids in the event that the primary container is compromised. The following unit is approved for storage of PCBs at the Facility:

<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 Warehouse Bay 1	1 Building	Storage	7,920 gallons	Section V

This unit is also separately permitted by the State of California to store, treat and dispose of hazardous waste under the Resource Conservation and Recovery Act ("RCRA"). The unit being approved for storage and disposal of PCBs is shown in Figure 2, Facility Diagram.

U.S. EPA authorized the State of California to implement its hazardous waste program in lieu of the federal RCRA program on July 23, 1992 (57 Fed. Reg. 32726). In approving California's program, U.S. EPA determined that the State of California's hazardous waste program is as stringent as the federal RCRA program. U.S. EPA reauthorized the State's RCRA program in 2001. The State program is broader in scope than the federal RCRA program because it includes PCBs as a listed hazardous waste material and imposes requirements on facilities that store and dispose of PCBs. Clean Harbors has a permit from the State program (California Environmental Protection Agency, Department of Toxic Substances Control, Hazardous Waste Facility Permit) that expires on January 26, 2021, which also covers PCBs (Appendix C). The Facility has an independent responsibility to comply with both its TSCA PCB approval and its State RCRA permit, notwithstanding any overlap in those permits' PCB requirements.


U.S. EPA has determined, based on agency review of the Renewal Application (Appendix A), the Hazardous Waste Facility Permit and RCRA Part "B" Application (Appendix C), and the results of the most recent TSCA inspections (July 16, 2009 and August 25, 2011) (Appendix D), that the operation of this PCB storage facility does not pose an unreasonable risk of injury to human health or the environment.

U.S. EPA has also made a determination under Section 106 of the NHPA that historic properties will not be affected by renewal and modification of the Approval for management of PCB wastes at the Facility (Appendix F). Similarly, U.S. EPA has determined under Section 7 of the

Endangered Species Act that management of PCB wastes at the Clean Harbors facility, as allowed in the proposed Approval, "will not affect" any listed species or designated critical habitat (Appendix E). See the Statement of Basis for this Approval dated October 24, 2013 for further discussion of these regulatory determinations.

This Approval is effective immediately upon signature and shall remain in effect for 10 years from the date of signature, unless modified, renewed, suspended or terminated in accordance with 40 C.F.R. Part 761 or the Approval conditions. Any amendments to this Approval or to the incorporated supporting plans are subject to the Approval modification requirements contained in Subsection VI.A of this Approval. If Clean Harbors wishes to continue an activity allowed by this Approval after the expiration date, Clean Harbors 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 VI.D). U.S. EPA may require the submission of additional information in connection with any renewal application. If Clean Harbors does not intend to seek a renewal of this Approval after the expiration date, Clean Harbors 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 VI.E).

This Approval does not relieve Clean Harbors from compliance with all applicable federal, state and local regulatory requirements, notwithstanding their inclusion within the terms and conditions of the Approval.

  
\_\_\_\_\_  
Jeff Scott  
Director  
Waste Management Division

10/24/13  
Date

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Appendix E – Endangered Species Act Determination

Appendix F – National Historic Preservation Act Determination

Appendix G – Approval Modification Classifications

## **I. Introduction**

On August 1, 2001, the former site owner, Safety-Kleen, submitted an application to renew the 1997 Approval for the Facility prior to its expiration on February 15, 2002. Safety-Kleen transferred ownership of the facility to Clean Harbors in 2002. As a follow-up, Clean Harbors submitted revisions to the renewal application on December 16, 2010 and September 12, 2012, which were later superseded by the June 5, 2013 Renewal Application (Appendix A). U.S. EPA has evaluated the Renewal Application and is proposing to issue this TSCA Approval to Clean Harbors Los Angeles, LLC. Clean Harbors shall continue to operate under the 1997 TSCA Approval until U.S. EPA makes a final decision on the Renewal Application.

## **II. Facility Description**

### *Facility Location*

The Clean Harbors Los Angeles, LLC facility (“Facility” or “CHLA”) is located at 5756 Alba Street in Los Angeles, California, approximately two and a half miles south of Downtown Los Angeles. The Facility owns and occupies 2.6 acres of land zoned for light manufacturing and enterprise. The Facility is at the intersection of the Vernon, Central Alameda, Huntington Park, and Florence neighborhoods. Vernon is a heavily industrialized city to the Northeast of the Facility.

### *Regulatory Summary*

The Facility is currently operating under a 2011 RCRA permit issued by Department of Toxic Substances Control (“DTSC”) to manage hazardous waste (“State RCRA Permit”) and a separate TSCA Approval from the U.S. EPA to store and dispose of PCB waste that was issued in 1997 and expired in 2002 (Appendix B). The terms and conditions of the expired TSCA Approval were administratively extended through submittal of the original renewal application for the Facility. The Facility is categorized as a large treatment and storage facility for purposes of HSC Section 25205.19 of the State’s RCRA program.

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

1. This Approval designates Clean Harbors as the Owner and Operator of the Facility. Before any change of Owner or Operator occurs, Clean Harbors shall follow the applicable modification procedures in Section VI of this Approval.
2. This Approval covers the storage of PCB wastes in the Container Storage Warehouse Bay 1. This Approval authorizes Clean Harbors to: (1) Store PCB waste in the Container Storage Warehouse and (2) drain and repackage PCB liquids in the event that the primary container is compromised. No other TSCA regulated PCB management is authorized by this Approval.

3. This Approval requires Clean Harbors to close Containment Bay E within 180 days of the issuance of a final permit decision, in accordance with Appendix M of the Renewal Application.
4. Compliance with the terms and conditions of this Approval does not establish a defense to any claim that the Facility presents a risk to human health and the environment.

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

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

1. Clean Harbors shall comply with and operate the Facility in accordance with the conditions stated herein, plans incorporated into this Approval, and the federal PCB regulations at 40 C.F.R. Part 761, including any future modifications to those regulations.
2. Any plan referenced in this Approval is fully incorporated by reference into the Approval and is fully enforceable under the Approval.
3. Within 30 days of making a change to any referenced plan, Clean Harbors shall initiate an Approval modification consistent with Subsection VI.A, Modifications, to incorporate into the Approval the most current version of the referenced plan.
4. Clean Harbors must receive prior written authorization from U.S. EPA for any departure from the conditions stated herein, modifications of this Approval, or revisions of the plans incorporated into this Approval (for purposes of this Approval, U.S. EPA shall mean Manager, RCRA Facilities Management Office, Waste Management Division, U.S. Environmental Protection Agency, Region 9, or successor organizational units within U.S. EPA Region 9). Any unauthorized departure from the conditions of this Approval may subject Clean Harbors to enforcement under TSCA.
5. This Approval is binding upon Clean Harbors as the Owner and Operator of the Facility. Clean Harbors is responsible for the actions of all Clean Harbors' employees, agents, and contractors who are involved in the operation of the Facility.
6. 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 CHLA.
2. Notwithstanding the terms of this Approval, Clean Harbors shall comply with all applicable Federal, State and local laws and regulations including but not limited



to RCRA, as amended (42 USC 6901 *et seq.*) and the Occupational Safety and Health Act (“OSHA”).

3. A Responsible Official for Clean Harbors 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, and records) required under this Approval shall be sent in writing to the following address:

Manager, RCRA Facilities Management Office (Attn: WST-4)  
Waste Management Division  
U.S. Environmental Protection Agency - Region 9  
75 Hawthorne Street  
San Francisco, CA 94105

4. All terms and/or conditions of this Approval are severable. If any provision of this Approval is determined to be invalid, Clean Harbors shall still be subject to the remaining conditions.
5. Clean Harbors shall comply with all relevant TSCA requirements, whether or not they are included in this Approval.
6. Clean Harbors 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 its request, or such reasonable time as agreed to by both parties, shall be deemed a violation of this Approval.
7. Clean Harbors 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)].
8. This Approval covers the storage and repackaging of PCB waste within the Container Storage Warehouse Bay 1. No other TSCA regulated PCB management is authorized by this Approval.

### **C. General PCB Standards**

1. Clean Harbors shall send all TSCA-regulated PCB liquids, including liquids produced at CHLA during any PCB waste repackaging activities, to an incinerator approved by U.S. EPA under 40 C.F.R. § 761.70. The sole exception to this condition is that Clean Harbors may dispose of small capacitors as municipal solid waste in accordance with 40 C.F.R. § 761.60(b)(2)(ii).

#### **D. Waste Acceptance**

1. Clean Harbors shall implement the waste acceptance procedures discussed in Appendix H: PCB SOP of the Renewal Application [40 C.F.R. § 761.65(d)(4)(iv)].
2. For all PCB shipments for offsite disposal, Clean Harbors must either include analytical data with the waste profile or assume that the PCB concentration of the waste is  $\geq 50$  ppm [40 C.F.R. § 761.65(d)(4)(iv)].

#### **E. Personnel Training**

1. Clean Harbors employees shall complete and renew annually the appropriate OSHA/HAZWOPER training program (8 hours for non-hazardous waste operations employees, 24 hours for hazardous waste operations employees, and 40 hours for hazardous waste emergency response employees) [40 C.F.R. § 761.65(d)(4)(iv)].
2. Clean Harbors employees shall complete all applicable training programs discussed in:
  - Section 6: Personnel Training Programs of the Part "B" Application dated April 2008, (Rev 7.0) (Appendix C),
  - Appendix H: PCB SOP of the Renewal Application (Appendix A), and
  - Appendix D: SPCC Plan of the Renewal Application (Appendix A).

A signature sheet must be included as a part of each employee's training record to verify participation in the training programs [40 C.F.R. § 761.65(d)(4)(iv)].

#### **F. Health and Safety Requirements**

1. Clean Harbors shall conduct all PCB related work at the Facility in accordance with the regulations and guidelines contained in [40 C.F.R. § 761.65(d)(4)(iv)]:
  - i. OSHA Title 29 C.F.R. § 1910 "Safety and Health Regulations for General Industry";
  - ii. OSHA Title 29 C.F.R. § 1926 "Safety and Health Regulations for Construction"; and
  - iii. OSHA Title 29 C.F.R. § 1926.65 "Hazardous Waste Operations and Emergency Response".
2. Clean Harbors shall ensure that personnel handling PCB waste use and are trained in the use of appropriate Personal Protective Equipment, in accordance with Appendix H: PCB SOP of the Renewal Application [40 C.F.R. § 761.60(b)(8) and 40 C.F.R. § 761.79(e)(2)].

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

1. Clean Harbors shall cleanup all PCB spills at the Facility with concentrations at or above 50 ppm in accordance with 40 C.F.R. Subpart G - PCB Spill Cleanup Policy of [40 C.F.R. Part 761, 40 C.F.R. § 761.61 and 40 C.F.R. § 761.79].
2. Clean Harbors shall conduct emergency response procedures at the Facility in accordance with Section 7: Emergency Procedures / Contingency Plan of the Part "B" Application dated April 2010, (Rev 9.0) ("RCRA Contingency Plan") [40 C.F.R. § 761.65(d)(4)(iv)].
3. Clean Harbors shall implement spill prevention measures in accordance with: Section 5: General Operational Procedures and Procedures to Prevent Hazards of the Part "B" Application dated April 2010, (Rev 9.0) (Appendix C) and Appendix D: SPCC Plan of the Renewal Application [40 C.F.R. § 761.65(d)(4)(iv)].
4. In the event of a release, fire, or explosion that requires external emergency response, Clean Harbors shall immediately notify emergency responders about the presence of PCB waste at the facility. This notification shall include information about the location, approximate quantity, and current condition of the PCB waste, as well as the toxicity hazards associated with PCBs [40 C.F.R. § 761.65(d)(4)(iv)].
5. Clean Harbors shall orally report to U.S. EPA any incident requiring implementation of emergency procedures in the TSCA storage area, as outlined in Section 7.3 of the RCRA Contingency Plan. Oral notification shall be made to:

Manager, RCRA Facilities Management Office (WST-4)  
Waste Management Division  
U.S. Environmental Protection Agency - Region 9  
(415) 947-8708

The oral notification shall occur as soon as possible after Clean Harbors becomes aware of the incident, but no later than 24 hours after the incident. If requested by U.S. EPA, Clean Harbors may also be required to submit a written report providing details on the incident [40 C.F.R. § 761.65(d)(4)(iv)].

6. Clean Harbors must return to compliance with the following items before operations are resumed in the TSCA storage areas affected by an incident requiring implementation of the RCRA Contingency Plan [40 C.F.R. § 761.65(d)(4)(iv)]:
  - a. All emergency equipment listed in the Contingency Plan is cleaned and fit for usage after the incident is addressed. In this case, Clean Harbors 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.
7. In the event that Clean Harbors 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, Clean Harbors 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 U.S. EPA within 15 days after the incident [40 C.F.R. § 302 and 40 C.F.R. § 761.65(d)(4)(iv)].
  8. In the event that Clean Harbors 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, Clean Harbors shall immediately notify U.S. EPA Region 9, and proceed to decontaminate the spill area in accordance with 40 C.F.R. 761 Subpart G - PCB Spill Cleanup policy in the shortest possible time after discovery, but in no case later than 24 hours after discovery. Oral notification shall be made to:
    - Manager, RCRA Facilities Management Office (WST-4)
    - Waste Management Division
    - U.S. Environmental Protection Agency - Region 9
    - (415) 947-8708[40 C.F.R. § 761.125 (a)(1)(iii)].
  9. Clean Harbors shall maintain a copy of the Renewal Application (Appendix A) and Part “B” Application (Appendix C) and any revisions at the Facility. A copy of this Approval shall also be maintained at the Facility [40 C.F.R. § 761.65(d)(4)(iv)].
  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)].
  11. The Facility shall, at a minimum, be equipped with the following [40 C.F.R. § 761.65(d)(4)(iv)]:
    - 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, shall be immediately available at the scene of operations and be 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. A fire suppression unit to suppress a fire containing PCBs.
- 12. Clean Harbors shall, at a minimum, annually test and maintain the equipment specified in Condition IV.G.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 Clean Harbors, Clean Harbors shall establish and follow a testing and maintenance plan for those manufactured items. All emergency equipment inspection and maintenance records must be maintained at the facility for at least 3 years and made available upon request to U.S. EPA [40 C.F.R. § 761.65(d)(4)(iv)].
- 13. Whenever PCBs are being transferred or otherwise handled, Clean Harbors 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)].
- 14. At all times, there shall be at least one employee either at the Facility or on call who has:
  - a. The responsibility for coordinating all emergency response measures,
  - b. The authority to commit the resources needed to carry out the RCRA Contingency Plan, and
  - c. The responsibility to implement the facility Spill Prevention, Control and Countermeasures 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 [40 C.F.R. § 761.65(d)(4)(iv)].

- 15. Clean Harbors 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 Clean Harbors. This includes any tampering, destruction, or loss at the Facility which caused release of PCBs. Clean Harbors shall submit the report to U.S. EPA within 5 days of the occurrence [40 C.F.R. § 761.65(d)(4)(iv)].
- 16. Clean Harbors shall annually review and update if necessary the RCRA Contingency Plan (Appendix C) and the SPCC plan (Appendix A) [40 C.F.R. § 761.65(d)(4)(iv)].

17. Clean Harbors shall review and immediately amend, the RCRA Contingency Plan (Appendix C) and the SPCC Plan in the Renewal Application (Appendix A), whenever [40 C.F.R. § 761.65(d)(4)(iv)]:
  - 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 Clean Harbors otherwise indicates that a revision is warranted; or
  - f. When U.S. EPA determines that a revision of a Plan is necessary.
18. 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 Clean Harbors 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)].

#### **H. Entry and Agency Inspection**

1. U.S. EPA officials and 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/or (3) for any other purpose allowed by law [40 C.F.R. § 761.65(d)(4)(iv)].
2. Clean Harbors, upon request by U.S. EPA, shall provide copies of any record maintained by the Facility pursuant to this Approval within 5 business days of such request [40 C.F.R. § 761.65(d)(4)(iv)].
3. Any refusal by Clean Harbors to allow access to the facility during such regular business hours, or refusal to provide requested copies of records, shall be deemed a violation of this Approval [40 C.F.R. § 761.65(d)(4)(iv)].

#### **I. General Inspection Requirements**

1. Clean Harbors shall evaluate and address all deficiencies in Container Storage Warehouse Bay 1 using the inspection forms, or latest revision thereof, shown in Appendix C of the Renewal Application (Appendix A). Clean Harbors shall keep

records of all inspections and document any actions taken to address deficiencies identified during the inspections [40 C.F.R. § 761.65(d)(4)(iv)].

#### **J. Security**

1. Clean Harbors shall operate and maintain the security systems at the Facility to prevent unauthorized access of the facility at all times, in accordance with the SPCC Plan in the Renewal Application (Appendix A) [40 C.F.R. § 761.65(d)(4)(iv)].

#### **K. Closure Cost Estimate**

1. Clean Harbors 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 its Closure Plan. Clean Harbors, as required in their State RCRA Permit, currently maintains a closure cost estimate for the entire Facility. The closure cost estimates 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(f)(1), 40 C.F.R. § 761.65(d)(4)(iv)]:
  - 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 Clean Harbors 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. Clean Harbors 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, Clean Harbors shall annually adjust the closure cost estimate for inflation within 60 days prior to the anniversary date of the establishment of the financial instruments used to demonstrate financial responsibility for closure. 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 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)].

3. Clean Harbors shall revise the closure cost estimate whenever U.S. EPA approves a modification to the Facility closure plan which increases the cost of closure. Clean Harbors 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)].
4. Clean Harbors 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)].

#### **L. Financial Assurance for Closure**

1. Clean Harbors shall maintain adequate financial assurance for closure of each PCB unit that is operated at the Facility. The level of financial assurance funding shall always be equal to the most recent total cost estimate for closure of the units, including any adjustments resulting from inflation or from modifications to the Closure Plan, established pursuant to Subsection IV.K [40 C.F.R. §§ 761.65(f) and (g)].
2. Clean Harbors 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 cost estimate for the PCB units and the level of funding contained in the financial assurance mechanism held by Clean Harbors. The documentation shall be submitted to U.S. EPA by January 15 of each year [40 C.F.R. § 761.65(d)(4)(iv)].

#### **M. Recordkeeping and Reporting**

1. Clean Harbors shall conduct recordkeeping and reporting activities in accordance with Appendix H: PCB SOP of the Renewal Application (Appendix A). [40 C.F.R. § 761.65(d)(4)(iv)].
2. Clean Harbors 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. [40 C.F.R. Part 761 Subparts J and K, 40 C.F.R. § 761.65(d)(4)(iv)].

3. 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 Clean Harbors ceases operations, all records, documents, monitoring data, sampling data and reports or certified copies thereof, shall be maintained at the Facility for at least 3 year following cessation of operations [40 C.F.R. § 761.180(b), 40 C.F.R. § 761.180(f)].
4. Any PCB-contaminated Voltage Regulators that are stored by Clean Harbors shall be recorded and reported as PCB Transformers for all required documents listed in 40 C.F.R. § 761.180(b), including Manifests, the Annual Report, the Annual Document log, and the Annual Record [40 C.F.R. § 761.180(b)(5)].
5. Waste Disposal Records and Reports
  - a. Clean Harbors shall comply with all provisions of 40 C.F.R. § 761.180 (Records and Monitoring). On July 15 of each year, Clean Harbors shall submit to U.S. EPA the annual report required by 40 C.F.R. § 761.180(b)(3) for the previous calendar year and concurrently submit the annual report to the Information Repository with a request that it replace any prior annual report(s) submitted in accordance with this Condition. The annual report shall be sent to:

Manager, RCRA Facilities Management Office (WST-4)  
Waste Management Division  
U.S. Environmental Protection Agency - Region 9  
75 Hawthorne Street  
San Francisco, CA 94104
  - b. Clean Harbors shall comply with the following provisions of 40 C.F.R. Part 761, Subpart K:
    - (1) 761.207 - General requirements for manifests;
    - (2) 761.208 - Use of the manifest;
    - (3) 761.209 - Retention of manifest records;
    - (4) 761.210 - Manifest discrepancies. Requirement to submit manifest discrepancy reports for significant discrepancies in physical state or concentration of PCB waste that may be discovered by inspection or waste analysis;
    - (5) 765.211 - Unmanifested waste report. Requirement to seek a manifest or return waste for any unmanifested PCB waste and to notify U.S.

EPA to determine whether further actions are required before storage of the unmanifested PCB waste;

- (6) 761.215(d)-(e) - Requirement to submit one-year exception reports; and
- c. At the completion of any cleanup required by the Approval, Clean Harbors shall develop and maintain records of the cleanup including at a minimum [40 C.F.R. § 761.65(d)(4)(iv)]:
- (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 Clean Harbors 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. Clean Harbors shall constantly maintain copies of the Certificates of Disposal for all PCBs and PCB Items which are stored at the commercial storage facility while it is operational [40 C.F.R. § 761.218(d)(2)].

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

### **A. Unit Descriptions**

The Container Storage Warehouse Bay 1 is one of three containment bays within an enclosed building with a roof and walls to prevent the entrance of precipitation or run-on. The bay is approximately 34 x 50 feet, and has a continuous concrete curb 6 inches high. The concrete floor has an epoxy-coated surface and is sloped to drain spilled liquids away from articles and containers to a non-discharging sump for collection. A vehicle loading dock is adjacent to the Container Storage Warehouse Bay 1. The location of the Container Storage Warehouse Bay 1 is shown in Appendix B of the Renewal Application (Appendix A).

Clean Harbors is authorized to store the following PCB wastes, as defined in 40 C.F.R. § 761.3, in the Container Storage Warehouse Bay 1: PCB Transformers, PCB Capacitors,

Liquid PCBs in Drums, Liquid PCBs in PCB Articles, PCB Remediation Waste, Non-Liquid PCBs, and PCB Items.

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

1. Clean Harbors shall at all times comply with the PCB storage requirements contained in 40 C.F.R. § 761.65.
2. Clean Harbors shall ensure that any PCB waste will be disposed of within 1-year from the date it was determined to be PCB waste and the decision was made to dispose of it. This date is the date of removal from service for disposal and the point at which the one-year time frame for disposal begins. PCB waste removed from service for disposal is exempt from the 1-year time limit provided a written record documenting all continuing attempts to secure disposal is maintained until the waste is disposed of. This record must be available for inspection or submission if requested by EPA [40 C.F.R. § 761.65(a)(1) and 40 C.F.R. §§ 761.65(a)(2)(ii)-(iii)].

**C. Approved PCB Storage Units and Maximum Storage Capacity**

1. This Approval authorizes Clean Harbors, with conditions, to store PCB waste not to exceed 7,920 gallons (the equivalent of 144 55-gallon drums double stacked on pallets) in containers, transformers or other equipment in the Container Storage Warehouse Bay 1.

**D. Design Requirements for Storage Areas**

1. Clean Harbors shall at all times comply with the following requirements in the storage areas:
  - a. Adequate roof and walls to prevent rain water from reaching the stored PCBs and PCB Items [40 C.F.R. § 761.65(b)(1)(i)].
  - b. Adequate floor with a continuous curb at least six inches high. The floor and curbing shall provide a containment volume at least twice the internal volume of the largest PCB Article or PCB Container stored therein or 25 percent of the total internal volume of all the PCB Articles or PCB Containers stored therein, whichever is greater [40 C.F.R. § 761.65(b)(1)(ii)].
  - c. There shall be no drain valves, expansion joints, sewer lines, or other openings that would permit liquids to flow from the curbed area [40 C.F.R. § 761.65(b)(1)(iii)].
  - d. The floor and curbing shall be constructed of continuous, smooth and impervious materials such as Portland cement concrete or steel. Epoxy coating shall be used with concrete to prevent or minimize penetration of PCBs [40 C.F.R. § 761.65(b)(1)(iv)].

- e. The area shall not be located below the 100-year flood water elevation [40 C.F.R. § 761.65(b)(1)(v)].

#### **E. PCB Storage in Containers**

1. Clean Harbors is authorized to store up 7,920 gallons (the equivalent of 144 55-gallon drums double stacked on pallets) in containers, transformers or other equipment of any and all forms of PCB wastes in the Container Storage Warehouse Bay 1. For the purposes of this Approval, “gallons” refer to a volumetric measure that could be related to either a solid or liquid. Thus, a 55-gallon drum could hold either 55 gallons of a liquid or 55 gallons of a solid such as soil. The volume of PCB liquids contained in and listed on any piece of equipment (e.g., transformers) shall be counted toward the maximum allowable storage capacity for the Container Storage Warehouse Bay 1. A partially full drum shall be counted as full for purposes of determining maximum allowable storage capacity [40 C.F.R. § 761.65].
2. Clean Harbors shall operate and maintain a database system to track the volumes and locations of all PCB wastes throughout the Facility. [40 C.F.R. § 761.65(d)(4)(iv)].
3. Clean Harbors shall maintain a 2 foot or greater aisle space between all items stored in the Container Storage Warehouse Bay 1 to allow for unobstructed access by personnel for regular inspection. This requirement shall not prevent Clean Harbors from complying with all local and state fire codes and regulations. For the purposes of this Approval, regardless of how many drums are on it, a pallet constitutes a single storage item [40 C.F.R. § 761.65(d)(4)(iv)].
4. Clean Harbors shall not store containers in the Container Storage Warehouse Bay 1 more than two high [40 C.F.R. § 761.65(d)(4)(iv)].
5. Clean Harbors shall store and move PCB items in a manner that does not compromise the epoxy coating on the floor [40 C.F.R. § 761.65(d)(4)(iv)].
6. Clean Harbors shall not remove any item of movable equipment from the Container Storage Warehouse Bay 1 that is used for handling PCBs and PCB Items or that comes in direct contact with PCBs unless it has been first decontaminated in accordance with 40 C.F.R. §761.79, as specified in Appendix H: PCB SOP of the Renewal application [40 C.F.R. § 761.65(c)(4)].
7. Clean Harbors may store non-leaking PCB items adjacent to the Container Storage Warehouse for up to 10 days. The facility-wide storage limit of Condition IV.E.1 above includes the Container Storage Warehouse Bay 1 as well as waste stored for up to 10 days adjacent to the unit [40 C.F.R. § 761.3].

## **F. Draining of PCBs**

1. Clean Harbors is authorized, subject to the terms and conditions of this Approval, to drain PCB containing transformers and other PCB Items in the Container Storage Warehouse Bay 1 only when the original container is compromised. The drained Liquid PCBs, drained transformers and other equipment shall be stored until they are transported for off-site for disposal, in accordance with applicable state and federal regulations. [40 C.F.R. § 761.65].
2. Clean Harbors shall conduct all PCB draining operations in accordance with the procedures specified in the Leaking Transformers section of Appendix H: PCB SOP in the Renewal Application (Appendix A) [40 C.F.R. §761.65(d)(4)(iv)].
3. Clean Harbors shall conduct all draining operations within the bermed and sealed containment area of the Container Storage Warehouse Bay 1 [40 C.F.R. §761.65(d)(4)(iv)].
4. Clean Harbors shall address any spills in accordance with Subsection IV.G., Emergency Preparedness and Spill Cleanup, of this Approval [40 C.F.R. § 761.65(d)(4)(iv)].

## **G. PCB Storage Container Requirements**

1. Clean Harbors shall comply with the requirements for PCB containers specified in 40 C.F.R. § 761.65(c)(6) and in accordance with Section 3 of the Renewal Application (Appendix A). Any container used for storage of liquid or non-liquid 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)].

## **H. PCB Storage Marking and Labeling**

1. Clean Harbors shall label all PCB containers, PCB Items, and PCB storage areas with the  $M_L$  label defined in 40 C.F.R. § 761.45 [40 C.F.R. § 761.40, 40 C.F.R. § 761.45, and 40 C.F.R. § 761.65(c)(3)]
2. Clean Harbors shall place a label on all PCB Items with the date of removal from service for disposal. Storage shall be managed so that PCB items can be located by this date. All storage containers shall have a record that includes for each batch of PCBs the quantity of the batch and date the batch was added to the container. The record shall also include the date, quantity, and disposition of any batch of PCBs removed from the container [40 C.F.R. § 761.65(c)(8)].

## **I. Sampling of the Container Storage Warehouse**

1. Clean Harbors shall conduct random quarterly sampling of Container Storage Warehouse Bay 1, in accordance with Appendix L of the Renewal Application. If wipe samples show PCB concentrations greater than  $10 \text{ ug}/100 \text{ cm}^2$ , Clean

Harbors shall fully delineate the extent of PCB contamination and initiate the cleanup process. All sampling procedures, reporting of results, and any follow-up cleanup shall be conducted in accordance with Appendix L of the Renewal Application [40 C.F.R. § 761.30(p), 40 C.F.R. § 761.30(u), 40 C.F.R. § 761.65(d)(4)(iv)].

**J. Closure of Storage Units**

1. Clean Harbors shall notify U.S. EPA in writing at least 60 days prior to the date it expects to begin closure of Container Storage Warehouse Bay 1 [40 C.F.R. § 761.65(e)(6)(i)].
2. Clean Harbors shall conduct final closure activities for the Container Storage Warehouse Bay 1 in accordance with the Closure Plan located in Section 4 of the Renewal Application (Appendix A), [40 C.F.R. § 761.65(e), 40 C.F.R. § 761.65(d)(4)(iv)].
3. Clean Harbors shall submit to U.S. EPA a revised Closure Plan reflecting current conditions at the Facility at least 60 days prior to the anticipated beginning of closure activities. The revised Closure Plan must be approved in writing by U.S. EPA prior to implementation [40 C.F.R. § 761.65(d)(4)(iv)].
4. Notwithstanding the requirements set forth in Condition V.J.3 above, Clean Harbors shall submit a request to U.S. EPA to modify the Closure Plan pursuant to Section VI 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)]:
  - a. Changes in ownership, operating plans, or Facility design affect the Closure Plan;
  - b. In conducting closure activities, unexpected events require a modification of the Closure Plan; or
  - c. Changes to the regulations affect the Closure Plan.

**K. Closure of Containment Bay E**

1. Clean Harbors shall commence interim closure of Containment Bay E within 30 days of EPA issuance of a final permit decision. Closure activities shall be carried out in accordance with Appendix M of the Renewal Application (Appendix A), except as otherwise noted by U.S. EPA, and must be completed within 180 days of the issuance of the final permit decision. Interim closure denotes closure of the permitted unit under TSCA, and will only be considered fully closed once the entire facility has undergone closure [40 C.F.R. § 761.65(e)].

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

The following requirements of this Section apply for any modification, transfer, revocation, suspension, denial continuation or renewal of the Approval. The filing of a request by Clean Harbors for an Approval modification, revocation or termination, or the notification of planned changes or anticipated noncompliance on the part of Clean Harbors, does not stay the applicability or enforceability of any Approval condition [40 C.F.R. § 761.65(d)(4)(iv)].

### **A. Modifications (Appendix G)**

#### **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 Clean Harbors as necessary. U.S. EPA must follow the applicable procedures set forth in Condition VI.A.2.c- d when modifying the Approval for cause. The following are causes for modification of this Approval:

- a. **Alterations.** There are materials 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 or absent in the existing Approval.
- b. **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.
- c. **New statutory requirements or regulations.** The standards or regulations on which the Approval was based have been changed by statute, through promulgation of new or amended regulations, or by judicial decision after the Approval was issued.
- d. **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 Clean Harbors has little or no control and for which there is no reasonably available remedy.

#### **2. Modifications to this Approval Requested by Clean Harbors**

- a. Approval modifications for Clean Harbors are divided into three classifications: Class 1, Class 2 and Class 3. The classifications determine the procedure Clean Harbors must follow to modify the Approval. Appendix G of this Approval lists the proposed modifications and corresponding classifications.

**b. Class 1 Approval Modification Procedures**

Except as provided in Condition VI.A.2.b.iv of this Section, Clean Harbors may put into effect Class 1 modifications listed in Appendix G of this Section under the following conditions:

- i. Clean Harbors 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 changes being made to Approval conditions or supporting documents referenced by the Approval and must explain why they are necessary;
- ii. Clean Harbors 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 put into effect. 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. The notice will have to be translated into another language (e.g., Spanish) if U.S. EPA determines that the demographics of the community surrounding the Facility requires translation for full public participation. If this is the case, both the English and translated versions of the notice should be sent to all persons on the mailing list; and
- iii. Any person may request U.S. EPA to review, and U.S. EPA may for cause reject, any Class 1 modification. U.S. EPA must inform Clean Harbors by certified mail if a Class 1 modification has been rejected, explaining the reasons for the rejection. If a Class 1 modification has been rejected, Clean Harbors must comply with the original Approval conditions.
- iv. Class 1 permit modifications identified in Appendix G by an asterisk may be made only with the prior written approval of U.S. EPA.
- v. For a Class 1 Approval modification, Clean Harbors may elect to follow the procedures for Class 2 modifications instead of the Class 1 procedures. Clean Harbors must inform U.S. EPA of this decision in the notice required in Condition VI.A.2.b.i of this Section.

**c. Class 2 Approval Modification Procedures**

- i. For Class 2 modifications, listed in Appendix G of this Approval, Clean Harbors must submit a modification request to U.S. EPA that:



- (A) Describes the exact change to be made 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 applicable supporting information and documentation.
- ii. Clean Harbors 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 to U.S. EPA, and Clean Harbors must provide U.S. EPA with evidence of the mailing and publication. The notice will have to be translated into another language (e.g., Spanish) if U.S. EPA determines that the demographics of the community surrounding the Facility requires translation for full public participation. If this is the case, both the English and translated versions of the notice should be sent to all persons on the mailing list. 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 if requested;
  - (C) Name and telephone number of Clean Harbors' 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.
- iii. Clean Harbors 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.
- iv. If requested, Clean Harbors must hold a public meeting no earlier than 15 days after the publication of the notice required in Condition VI.A.2.c.ii of this Section and no later than 15 days before the close of the 60-day comment period. The meeting must be held to the extent practicable in the vicinity of the Facility.
- v. The public shall be provided 60 days to comment on the modification request. The comment period will begin on the date Clean Harbors publishes the notice in the local newspaper. Comments should be submitted to the U.S. EPA contact identified in the public notice.

- vi. No later than 90 days after receipt of the notice of modification request, U.S. EPA must:
  - (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:
    - (1) There is significant public concern about the proposed modification; or
    - (2) 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 Clean Harbors that U.S. EPA will decide on the request within the next 30 days.
  
- vii. If U.S. EPA notifies Clean Harbors of a 30-day extension for a decision, the U.S. EPA must, no later than 120 days after the notice of modification request:
  - (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:
    - (1) There is significant public concern about the proposed modification; or
    - (2) 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.
  
- viii. If U.S. EPA fails to make one of the decisions specified in Condition VI.A.2.c.vii of this Section by the 120th day after receipt of the notice of modification request, Clean Harbors is automatically authorized to conduct the activities described in the modification request for up to 180 days, without formal U.S. EPA action. 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. If U.S. EPA approves, with or without changes, or denies the modification request during the term of the temporary or automatic authorization provided for in Conditions VI.A.2.c.vi.(D), VI.A.2.c.vii.(D) and VI.A.2.c.viii of this Section, such action cancels the temporary or automatic authorization.

(A) In the case of an automatic authorization under Condition VI.A.2.c.viii of this Section, or a temporary authorization under Conditions VI.A.2.c.vi.(D) or VI.A.2.c.vii(D) of this Section, if U.S. EPA has not made a final approval or denial of the modification request by the date 50 days prior to the end of the temporary or automatic authorization, Clean Harbors must within seven days of that time send a notification to persons on the Facility mailing list, and make a reasonable effort to notify other persons who submitted written comments on the modification request, that:

- (1) Clean Harbors has been authorized temporarily to conduct the activities described in the Approval modification request, and
- (2) Unless U.S. EPA acts to give final approval or denial of the request by the end of the authorization period, Clean Harbors will receive authorization to conduct such activities for the life of the Approval.

(B) If Clean Harbors fails to notify the public by the date specified in Condition VI.A.2.c.viii.(A) of this Section, the effective date of the permanent authorization will be deferred until 50 days after Clean Harbors notifies the public.

- ix. Except as provided in Condition VI.A.2.c.xi of this Section, if U.S. EPA does not approve or deny a modification request before the end of the automatic or temporary authorization period or reclassify the modification as Class 3, Clean Harbors is authorized to conduct the activities described in the Approval modification request for the life of the Approval unless modified later pursuant to a new modification proceeding pursuant to this Section.
- x. In making a decision to approve or deny a modification request, including a decision to issue a temporary authorization or to reclassify a modification as Class 3, U.S. EPA must consider all written comments

submitted to the U.S. EPA during the public comment period and must respond in writing to all significant comments in the final decision.

- xi. With the written consent of Clean Harbors, U.S. EPA may extend indefinitely or for a specified period the time periods for final approval or denial of a modification request or for reclassifying a modification as Class 3.
- xii. U.S. EPA may deny or change the terms of a Class 2 Approval modification request under Conditions VI.A.2.c.vi through VI.A.2.c.viii of this Section 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.
- xiii. Clean Harbors 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 Clean Harbors in writing before day 120.

**d. Class 3 Approval Modification Procedures**

- i. For Class 3 modifications listed in Appendix G of this Approval, Clean Harbors must submit a modification request to U.S. EPA that:
  - (A) Describes the exact change to be made 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 applicable supporting information and documentation.
- ii. Clean Harbors 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 Clean Harbors must provide to U.S. EPA evidence of the mailing and publication. The notice will have to be translated into another language (e.g., Spanish) if U.S. EPA determines that the demographics of the community surrounding the Facility requires

translation for full public participation. If this is the case, both the English and translated versions of the notice should be sent to all persons on the mailing list. 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 if requested;
- (C) Name and telephone number of Clean Harbors'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.

- iii. Clean Harbors 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.
- iv. If requested, Clean Harbors must hold a public meeting no earlier than 15 days after the publication of the notice required in Condition VI.A.2.d.ii of this Section and no later than 15 days before the close of the 60-day comment period. The meeting must be held to the extent practicable in the vicinity of the Facility.
- v. The public shall be provided 60 days to comment on the modification request. The comment period will begin on the date Clean Harbors publishes the notice in the local newspaper. Comments should be submitted to the U.S. EPA contact identified in the public notice.
- e. vi. U.S. EPA will consider and respond to all comments received during the 60-day comment period and will either approve, with or without changes, or deny the Approval modification request. Other Modifications
  - i. In the case of modifications not explicitly listed in Appendix G of this Approval, Clean Harbors 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 Clean Harbors 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.
  - ii. U.S. EPA shall make the determination described in Condition VI.A.2.e.ii of this Section 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 G 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 Clean Harbors to respond, in a timely manner, to,
  - (1) Common variations in the types and quantities of the wastes managed under the Facility Approval;
  - (2) Technological advancements; or
  - (3) Changes necessary to comply with new regulations, where these changes can be implemented without substantially changing design specifications or management practices in the Approval.
- (C) Class 3 modifications substantially alter the Facility or its operation.

## **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, Clean Harbors 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
  - b. Provide the financial assurance for closure that the transferee will have in effect as of the date of proposed transfer.
2. The date of transfer of this Approval shall be the date U.S. EPA provides written approval of the transfer.

## **C. Revoke, Suspend or Deny Renewal**

1. U.S. EPA may issue a notice of deficiency, suspend or terminate 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)]:
  - a. Noncompliance with the conditions of this Approval or with the PCB regulations at 40 C.F.R. Part 761;

- b. Failure by Clean Harbors in the Approval application or Approval issuance process to disclose fully all relevant facts, or Clean Harbors'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; or
  - d. The PCB Clean Harbors process is being operated in a manner which may result in an unreasonable risk to human health and the environment.
2. For a termination or suspension of the Approval, U.S. EPA shall provide 30-day notice to Clean Harbors of the condition(s) warranting the action. U.S. EPA will not terminate or suspend the Approval if Clean Harbors can sufficiently demonstrate within the 30-day period to U.S. EPA satisfaction that it has eliminated or corrected the condition(s) warranting the termination or suspension. 5 U.S.C. § 558(c).

#### **D. Continuation**

1. The conditions of this Approval shall administratively continue beyond the expiration date if:
  - a. Clean Harbors has submitted an Application for renewal to U.S. EPA in accordance with Subsection VI.E of this Approval; and
  - b. U.S. EPA, through no fault of Clean Harbors, does not issue a new Approval with an effective date on or before the expiration date of this Approval.

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

1. Clean Harbors 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. 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 Clean Harbors intends to close the Facility, the Closure Plan included as part of this Approval shall be revised to reflect current operating conditions at the Facility. The revised Closure Plan shall be approved in writing by U.S. EPA prior to implementation.

### **VII. Definitions**

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

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 Clean Harbors Los Angeles, LLC hazardous waste management facility located near Vernon, CA.
6. "Facility Mailing List" means the list persons, organizations and government agencies that will receive copies of correspondence related to the TSCA Approval.
7. "Information Repository" means the reference desk of the local Library.
8. "Local Library" means the Florence Library located in Florence, CA. Information sent to the library should be directed to the Library Manager.
9. "Operator" refers to Clean Harbors Los Angeles, LLC.
10. "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.
11. "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.
12. "PPM" means parts per million or milligrams per kilogram.
13. "State RCRA Permit" means the DTSC permit issued to Clean Harbors for management of hazardous wastes.
14. "TSCA" means Toxic Substances Control Act, 15 USC 2601 *et seq.* as implemented by 40 C.F.R. Part 761.
15. "U.S. EPA" means Manager, RCRA Facilities Management Office, Waste Management Division, United States Environmental Protection Agency, Region 9, or successor.



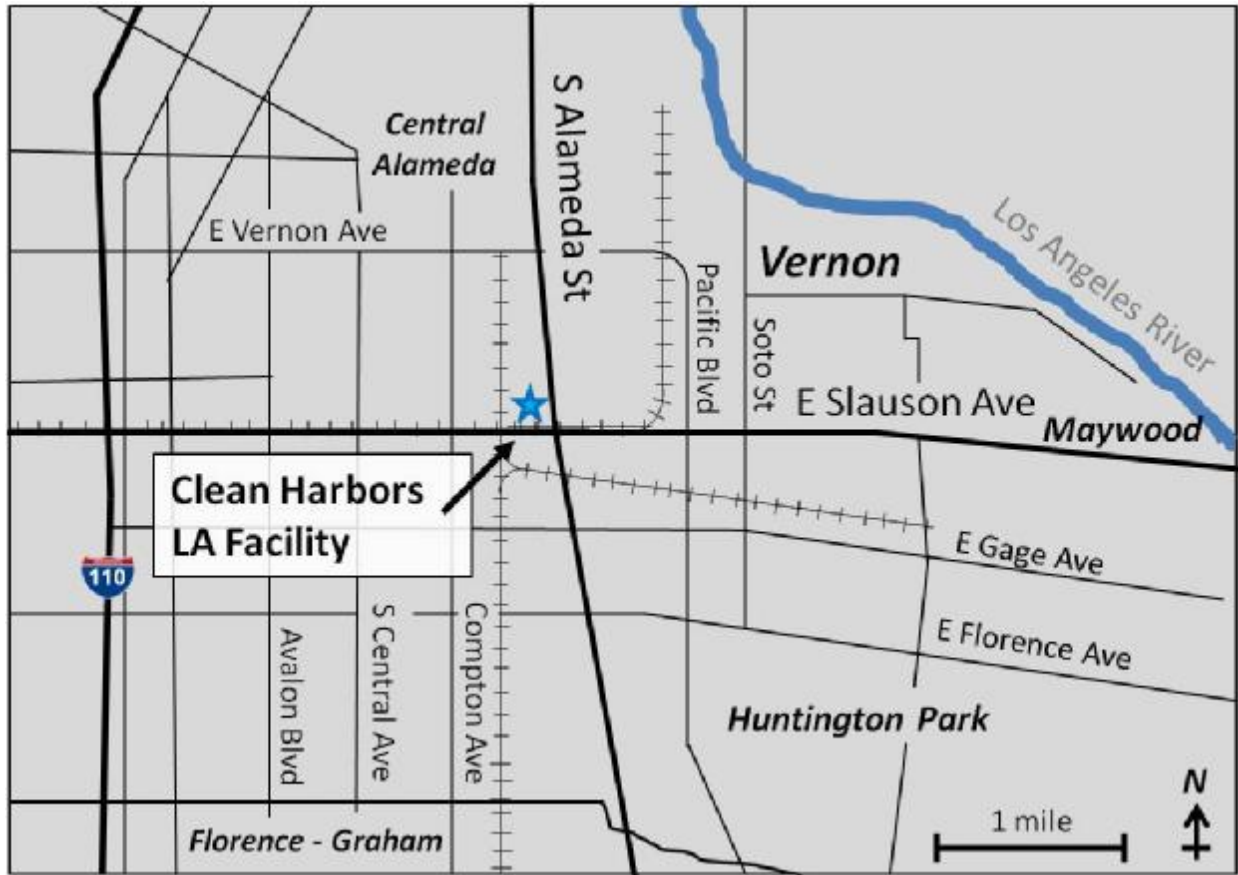


Figure 1 – Site Location Map

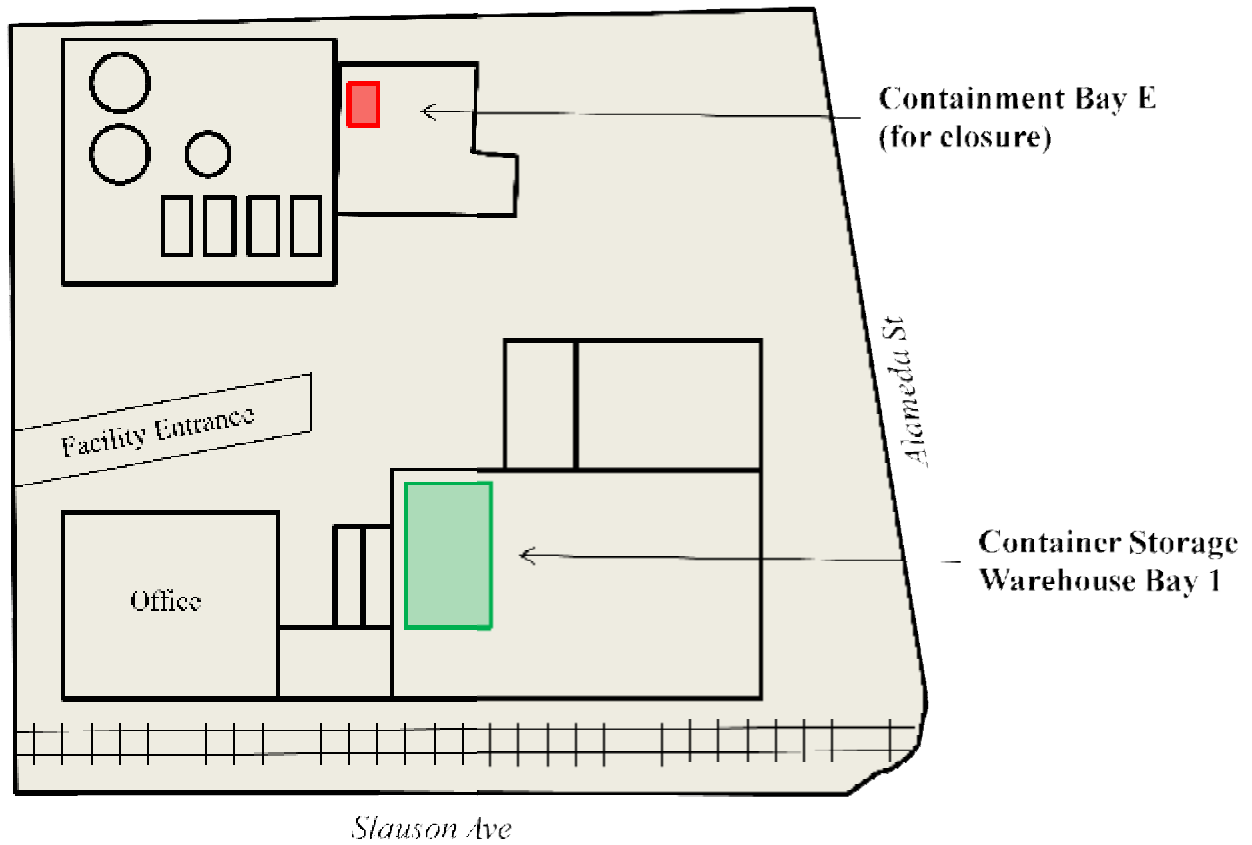


Figure 2 – Facility Diagram

Appendix A  
TSCA Application

Appendix B  
1997 TSCA Approval

Appendix C  
RCRA Part “B” Application

Appendix D  
TSCA Inspection Reports

Appendix E  
Endangered Species Act Determination

## Appendix F

### National Historic Preservation Act Determination



Appendix G  
Approval Modification Classifications