

# Approval for Commercial Storage and Disposal of Polychlorinated Biphenyls (PCBs)

US Ecology Nevada, Inc.

Beatty, Nevada

U.S. EPA ID: NVT330010000



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

November 5, 2012



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

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

**FACILITY:** US Ecology Nevada, Inc.  
U.S. EPA ID Number: NVT330010000

The United States Environmental Protection Agency, Region 9 (“U.S. EPA”) is renewing and modifying an Approval (“TSCA Approval” or “Approval”) issued to US Ecology Nevada, Inc. (“US Ecology”). This Approval will allow US Ecology to continue to operate a commercial polychlorinated biphenyl (“PCB”) storage and chemical waste landfill facility in Beatty, Nevada (hereinafter “Facility”)(see Figure 1, Site Location Map) and allow use of a new landfill for PCB disposal. Additionally, it includes the State of Nevada, the site Owner (the “Owner”), as a co-permittee for purposes of closure and post-closure care only. 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.

US Ecology 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 to those regulations. All terms and conditions of this Approval are severable. If any provision of this Approval is determined to be invalid, US Ecology and the State of Nevada shall be subject to all remaining conditions as appropriate based on the applicability of those conditions. With respect to the specific Approval conditions, US Ecology is solely responsible for implementing the operational requirements. US Ecology and the State of Nevada are jointly responsible for implementing the closure and post-closure requirements of this Approval.

This Approval is issued consistent with the written renewal application titled “Toxic Substances Control Act (TSCA) Permit Renewal Application, US Ecology Nevada, January 8, 2010” as revised on September 24, 2010, February 9, 2011, May 17, 2011, and December 15, 2011 (collectively the “Renewal Application”). Inaccuracies found in the written information provided by US Ecology as part of its Renewal Application may be grounds for the termination or modification of this Approval.

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<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 Approval to the Director of the Waste Management Division by EPA Regional Order 1260.02D issued February 11, 2008.

US Ecology is currently operating under an Approval to manage PCB wastes issued by U.S. EPA in 1996. On July 1, 2000, US Ecology submitted an application to renew the 1996 Approval prior to its expiration on January 11, 2001. The submittal of the renewal application administratively extended the terms of the 1996 Approval. At U.S. EPA's request, US Ecology submitted a revised renewal application dated March 3, 2009. The July 1, 2000 and March 3, 2009 applications were superseded by the January 8, 2010 Renewal Application.

This Approval authorizes, subject to its conditions, US Ecology to store, treat for disposal, and dispose of PCB wastes at the Facility as follows:

Waste Management Unit Name	Type and Number of Units	Authorized Activity	Maximum Total Capacity	Location in Approval
PCB Storage and Processing Building	1 Building	Storage	59,400 gallons	Section V
PCB Tank Farm	5 Tanks	Storage	28,000 gallons	Section V
PCB Tank Truck Loading Pad*	1 Pad	Waste Transfer	Not Applicable	Section V
Stabilization Tanks (aka "Treatment Pans")	Treatment Pans 4 and 5	Treatment for Disposal	137,000 gallons per day	Section VI
Evaporation Tank	1 Tank	Treatment for Disposal	10,000 gallons	Section VI
Trench 11	1 Landfill	Disposal	2.36 million cubic yards	Section VII
Trench 12	1 Landfill	Disposal	1.66 million cubic yards	Section VII

\*The PCB Tank Truck Loading Pad is an ancillary or support unit to the PCB Tank Farm. The Pad, which will be constructed after issuance of the Approval, will provide containment for tanker trucks that receive PCB liquids from the PCB Tank Farm.

This Approval includes the following new Waste Management Units ("Units"): Trench 12 landfill, Treatment Pans 4 and 5 (batch stabilization tanks), PCB Tank Truck Loading Pad, and one evaporation tank.

All of the Units authorized by this Approval for PCB waste management, with the exception of the PCB Tank Truck Loading Pad, are also separately permitted by the State of Nevada to store, treat and dispose of hazardous waste under the Resource Conservation and Recovery Act ("RCRA"). The Units being approved for storage and disposal of PCBs are shown in Figure 2, Map of Units Approved for PCB Waste Management.

U.S. EPA has determined, based on agency review of the Renewal Application, a Biological Evaluation Report dated February 28, 2012, a Screening Level Ecological Risk Assessment, dated February 28, 2012, a PCB Surface Soil Sampling Report, dated September 12, 2011 and the results of the most recent inspection, that the operation of this PCB storage and 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 for this Approval dated November 5, 2012. The most recent PCB inspection, which was conducted from April 26, 2011 to April 28, 2011, showed that there were only minor TSCA violations regarding labeling and dating containers that were corrected during the site visit. Other than that, the Facility is in compliance with its current Approval and the TSCA PCB regulations at 40 C.F.R. Part 761.

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 herein. Any amendments to this Approval or to the incorporated supporting plans are subject to the Approval modification requirements contained in Subsection VIII.A of this Approval. If US Ecology wishes to continue an activity allowed by this Approval after the expiration date, US Ecology 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 US Ecology does not intend to seek a renewal of this Approval after the expiration date, US Ecology 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).

This Approval does not relieve US Ecology from compliance with all applicable federal, state and local regulatory requirements.

  
Jeff Scott  
Director  
Waste Management Division

  
Date

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## **I. Introduction**

US Ecology was operating under an Approval issued by U.S. EPA in 1996 to store and dispose of PCB wastes at its Beatty, Nevada Facility. On July 1, 2000, US Ecology submitted an application to renew and modify its 1996 Approval. At U.S. EPA's request, US Ecology submitted a revised renewal application dated March 3, 2009. The July 1, 2000 and March 3, 2009 applications were superseded by an application titled "Toxic Substances Control Act (TSCA) Permit Renewal Application, US Ecology Nevada, January 8, 2010," which was later revised on September 24, 2010, February 9, 2011, May 17, 2011 and December 15, 2011. U.S. EPA has evaluated the Renewal Application and is issuing this TSCA Approval to US Ecology.

## **II. Facility Description**

The US Ecology Facility is located in the Amargosa Desert on an 80 acre site near Highway 95 about 100 miles northwest of Las Vegas, Nevada. The closest city is Beatty, Nevada, which is located approximately 11 miles northwest of the Facility (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 by the State of Nevada and operated by US Ecology. The State of Nevada leases a 400-acre buffer zone surrounding the Facility from the U.S. Bureau of Land Management.

The Facility was established in 1962 by the Nuclear Engineering Company for disposal of low-level radioactive wastes ("LLRW"). In 1970, Nuclear Engineering Company obtained permission from the State of Nevada to dispose of hazardous chemical wastes on a portion of the property adjacent to the authorized LLRW disposal area, but separated by a 200 foot buffer zone. The chemical disposal facility has been in operation since 1970. The disposal of LLRW was discontinued in December 1992.

The Facility is currently operating under a RCRA permit issued by the Nevada Division of Environmental Protection ("NDEP") 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 1996 and expired in 2001. U.S. EPA previously issued TSCA Approvals to US Ecology in 1978, 1982, 1987, 1989 and 1996 to operate a PCB storage and disposal facility.

The Facility consists of nine pre-RCRA chemical waste trenches (closed), one LLRW landfill (closed), and the following three hazardous waste landfills: Trench 10 (closed), Trench 11 (operating) and Trench 12 (operating). Other operations at the US Ecology

Facility include: batch stabilization and solidification, PCB storage in tanks, and storage of hazardous waste and PCBs.

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

1. This Approval designates US Ecology as the Operator of the Facility and the State of Nevada as the Owner and contains specific provisions that apply to one or both of these parties as set forth in this Approval. Before any change of Owner or Operator occurs, US Ecology shall follow the applicable modification procedures in Section VIII of this Approval.
2. This Approval covers the storage, treatment for disposal, and disposal of PCB wastes at the following Units: PCB Storage and Processing Building, PCB Tank Farm, PCB Tank Truck Loading Pad (to be constructed), Stabilization Tanks 4 and 5 ("Treatment Pans"), Evaporation Tank, Trench 11 landfill and Trench 12 landfill.
3. The Container Management Building (CMU #16) is a RCRA-permitted storage unit that can be used as a temporary staging area for loading or unloading PCB wastes. PCB wastes may not be kept at the Container Management Building for greater than 24 hours. PCB areas at the Container Management Building shall be clearly marked and the date of arrival at the Facility indicated on the waste materials. The PCB Tank Truck Loading Pad shall only be used by tanker trucks when they are loading PCB waste liquids from the PCB Tank Farm.
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. US Ecology 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 therefore is fully enforceable under the Approval.

3. At least 30 days prior to making a change to a referenced plan, US Ecology 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. US Ecology 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 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 are a violation of the terms of the Approval and may subject US Ecology to an enforcement action under TSCA.
5. US Ecology shall notify U.S. EPA in writing and obtain prior written approval before instituting changes that may be required by any condition in the final RCRA permit which may affect storage, treatment for disposal, and disposal of PCBs.
6. This Approval is binding upon US Ecology as Operator of the Facility, and the State of Nevada as the Owner of the Facility for closure and post-closure requirements only.
7. Any action of a US Ecology employee, agent or contractor who is involved in the operation of the Facility will be considered an action of US Ecology 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 US Ecology Facility.
2. Notwithstanding the terms of this Approval, US Ecology 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. A Responsible Official for US Ecology 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 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, US Ecology and the State of Nevada shall be subject to all remaining conditions as appropriate based on the applicability of those conditions.
5. US Ecology shall comply with all relevant TSCA requirements, whether or not they are included in this Approval.
6. US Ecology 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.
7. US Ecology 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. US Ecology shall, at all times, maintain a closure plan for all PCB treatment, storage for disposal, 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)].

9. US Ecology shall, at all times, maintain a post-closure care plan for all PCB treatment, storage for disposal and disposal units that identifies 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**

1. US Ecology shall implement the waste acceptance procedures specified in (1) Section 3.2, Waste Characterization, and Section 3.3, Waste Inspection and Verification, of the Facility Operations Plan, dated February 2011 (Revision 3), and (2) the Waste Analysis Plan, US Ecology Nevada, October 2009. The Facility Operations Plan is contained in Appendix B-1 of this Approval and the Waste Analysis Plan is contained in Appendix B-2 of this Approval [40 C.F.R. § 761.65(d)(4)(iv), 40 C.F.R. § 761.75(c)(3)(ii)].
2. The Facility shall not accept radioactive PCB waste, unless authorized through a modification to this Approval [40 C.F.R. § 761.65(d)(4)(iv)].

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

1. US Ecology shall conduct employee training at the Facility in accordance with the procedures contained in (1) Section 8.0, Personnel Training Program, of the Facility Operations Plan, dated February 2011 (Revision 3), and (2) the Personnel Training Program, US Ecology Nevada, October 2009. The Facility Operations Plan is contained in Appendix B-1 of this Approval and the Personnel Training Program is contained in Appendix B-3 of this Approval [40 C.F.R. § 761.65(d)(4)(iv), 40 C.F.R. § 761.75(c)(3)(ii)].
2. In accordance with Section 8.4, Continuous Training Program, of the Facility Operations Plan, dated February 2011 (Revision 3), all US Ecology employees must complete an 8-hour OSHA/HAZWOPER refresher class on an annual basis. A signature sheet must be included as a part of each employee's training record to verify participation in the training program [40 C.F.R. § 761.65(d)(4)(iv), 40 C.F.R. § 761.75(c)(3)(ii)].
3. In accordance with Section 8.2, Training Program Description, of the Facility Operations Plan, dated February 2011 (Revision 3), only workers who have completed their initial 24-hour training per 29 C.F.R. § 1910(e)(3)(iii) may have unsupervised access to areas of the Facility where hazardous waste operations are being performed.

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

1. US Ecology 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. US Ecology 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), 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. US Ecology 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. US Ecology shall clean up and adequately address any and all spills of PCBs at the Facility in accordance with 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. US Ecology shall conduct emergency response and spill prevention and cleanup activities at the Facility in accordance with the procedures contained in (1) the RCRA Contingency Plan, US Ecology - Beatty Nevada, dated August 6, 2008, and (2) the PCB Processing Facility Spill Prevention Control and Countermeasures Plan, US Ecology Nevada, Inc., Beatty Nevada, April 2010. The RCRA Contingency is contained in Appendix B-4 of this Approval and the PCB Processing Facility Spill Prevention Control and Countermeasures Plan is contained in Appendix B-5 of this Approval [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. US Ecology shall orally report to U.S. EPA any incident involving PCBs that requires implementation of the RCRA Contingency Plan and/or the PCB Processing Facility Spill Prevention and Control and Countermeasures 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) 972-3336

The oral notification shall occur as soon as possible after US Ecology 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. US Ecology 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 and/or the PCB Processing Facility Spill Prevention and Control and Countermeasures Plan. The written report shall be submitted to:

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

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. US Ecology 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 and/or the PCB Processing Facility Spill Prevention and Control and Countermeasures 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 and/or the PCB Processing Facility Spill Prevention and Control and Countermeasures Plan is cleaned and fit for usage after the incident is addressed. In this case, US Ecology 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. In the event that US Ecology 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, US Ecology 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, 40 C.F.R. § 761.65(d)(4)(iv), 40 C.F.R. § 761.75(c)(3)(ii)].
  7. In the event that US Ecology 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, US Ecology shall immediately notify U.S. EPA. Oral notification shall be made to:

Manager, RCRA Facilities Management Office (WST-4)  
Waste Management Division  
U.S. Environmental Protection Agency - Region 9  
(415) 972-3336

The oral notification shall occur as soon as possible after US Ecology 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. US Ecology shall, in order to ensure current accuracy, annually update the information regarding PCB operations at the Facility which includes 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 service [40 C.F.R. § 761.65(d)(4)(iv), 40 C.F.R. § 761.75(c)(3)(ii)].

9. US Ecology shall maintain a copy of the RCRA Contingency Plan, PCB Processing Facility Spill Prevention Control and Countermeasures 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, 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. 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. US Ecology 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 US Ecology, US Ecology 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, US Ecology 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. US Ecology 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 US Ecology. This includes any tampering, destruction, or loss at the Facility which caused release of PCBs. US Ecology 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. US Ecology shall review and immediately amend, if necessary, the RCRA Contingency Plan and/or the PCB Processing Facility Spill Prevention Control and Countermeasures Plan, 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 US Ecology 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 US Ecology 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. US Ecology, 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)].
3. Any refusal by US Ecology 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), 40 C.F.R. § 761.75(c)(3)(ii)].

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

1. US Ecology shall inspect all Facility communications and alarm systems, fire protection equipment, spill control equipment, decontamination equipment and groundwater monitoring wells following the procedures and schedule contained in the Facility Inspection Plan, US Ecology Nevada, dated March 2010 (Revised May 2011). The Inspection Plan is contained in Appendix B-6 of this Approval. 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. US Ecology shall maintain and, on a weekly basis, inspect the perimeter fence and gravel berm at its base to identify any damage that may allow burrowing animals such as the desert tortoise to gain access to the Facility. The inspections and any follow-up maintenance and repairs shall be documented in the Facility records [40 C.F.R. § 761.65(d)(4)(iv), 40 C.F.R. § 761.75(c)(3)(ii)].

3. US Ecology shall evaluate and address all deficiencies identified during the inspections in accordance with (1) Section 7.0, Facility Inspection, of the Facility Operations Plan, dated February 2011 (Revision 3), and (2) the Facility Inspection Plan, US Ecology Nevada, dated March 2010 (Revised May 2011). The Facility Operations Plan is contained in Appendix B-1 of this Approval and the Facility Inspection Plan is contained in Appendix B-6 of this Approval [40 C.F.R. § 761.65(d)(4)(iv), 40 C.F.R. § 761.75(c)(3)(ii)].
4. US Ecology shall document all inspections using the inspection report forms contained in the Facility Inspection Plan, US Ecology Nevada, dated March 2010 (Revised May 2011). The Facility Inspection Plan is contained in Appendix B-6 of this Approval. US Ecology 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. US Ecology shall operate and maintain the security systems at the Facility in accordance with Section 2.0, Facility Security, of the Facility Operations Plan, dated February 2011 (Revision 3). The Facility Operations Plan is contained in Appendix B-1 of this Approval [40 C.F.R. § 761.65(d)(4)(iv), 40 C.F.R. § 761.75(c)(3)(ii)].

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

1. US Ecology 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 the Closure Plan, US Ecology Nevada, September 2010 ("Closure Plan"). The Closure Plan is contained in Appendix B-7 of this Approval. US Ecology, as required in their State RCRA Permit, currently maintains a closure cost estimate for the entire Facility. The PCB Units include: Trench 11 Landfill, Trench 12 Landfill, PCB Storage and Processing Building, PCB Tank Farm, PCB Tank Truck Loading Pad, Treatment Pans 4 and 5, and the Evaporation Tank. Treatment Pans 1 through 3, which are not part of this Approval, shall also be included in the closure cost estimate because these units have come into contact with PCBs in the past. 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), 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 US Ecology 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. US Ecology 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, US Ecology 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 *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), 40 C.F.R. § 761.75(c)(3)(ii)].
  3. Within 30 days of adjusting the closure cost estimate, US Ecology shall initiate an Approval modification consistent with Subsection VIII.A, Modifications, to incorporate the new estimate into the Closure Plan [40 C.F.R. § 761.65(f)(3), 40 C.F.R. § 761.75(c)(3)(ii)].

4. US Ecology shall revise the closure cost estimate whenever U.S. EPA approves a modification to the Closure Plan which increases the cost of closure. US Ecology 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. US Ecology 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. US Ecology shall maintain a detailed estimate, in current dollars, of the cost of post-closure care for the Trench 11 and Trench 12 landfills in accordance with the Post-Closure Care Plan, US Ecology Nevada, September 2010 ("Post-Closure Care Plan"). The Post-Closure Care Plan is contained in Appendix B-8 of this Approval. US Ecology, as required in their State RCRA Permit, maintains a post-closure care cost estimate for the landfill units at the Facility. Post-closure begins after final closure is certified complete for Trench 11 and Trench 12 and continues for 30 years after the date of closure for Trench 12. 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 US Ecology 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. US Ecology 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. Within 30 days of adjusting the post-closure cost estimate, US Ecology shall initiate an Approval modification consistent with Subsection VIII.A, Modifications, to incorporate the new estimate into the Post-Closure Care Plan [40 C.F.R. § 761.65(f)(3), 40 C.F.R. § 761.75(c)(3)(ii)].
4. US Ecology shall revise the post-closure cost estimate whenever U.S. EPA approves a modification to the Facility post-closure care plan which increases the costs of post-closure. US Ecology 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. US Ecology 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 Care 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. US Ecology, as required in their State RCRA Permit, maintains financial assurance for closure and post-closure care. The current financial assurance mechanism is a closure, post-closure fund held by the State of Nevada. US Ecology makes quarterly payments into the fund to assure that the amount held exceeds the estimated costs for closure and post-closure care.
2. US Ecology shall maintain adequate financial assurance for the closure of each PCB Unit that is operated at the Facility and for post-closure care of the Trench 11 and Trench 12 landfills. The PCB Units include: Trench 11 Landfill, Trench 12 Landfill, PCB Storage and Processing Building, PCB Tank Farm, PCB Tank Truck Loading Pad, Treatment Pans 4 and 5 and the Evaporation Tank. US Ecology shall also maintain financial assurance for Treatment Pans 1 through 3. Treatment Plans 1 through 3, which are not part of this Approval, are included because these units have come into contact with PCBs in the past. 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)].



3. US Ecology 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 fund held by the State of Nevada. 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. US Ecology, 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 [40 C.F.R. § 761.65(d)(4)(iv), 40 C.F.R. § 761.75(c)(3)(ii)].
2. US Ecology 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. US Ecology shall comply with all recordkeeping and reporting requirements specified in the PCB regulations at 40 C.F.R. Part 761.
2. US Ecology shall conduct recordkeeping and reporting activities in accordance with the US Ecology Recordkeeping and Reporting Plan, Revision 3, February 2011. The Recordkeeping and Reporting Plan is contained in Appendix B-9 of this Approval [40 C.F.R. § 761.65(d)(4)(iv), 40 C.F.R. § 761.75(c)(3)(ii)].
3. US Ecology 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, US Ecology shall make printouts 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 US Ecology ceases operations, all records, documents, monitoring data, sampling data and reports or certified copies thereof, shall be maintained at the Facility for at least twenty (20) years following cessation of operations [40 C.F.R. § 180(b), 40 C.F.R. § 180(d), 40 C.F.R. § 180(f)].
  
5. Waste Disposal Records and Reports
  - a. US Ecology shall comply with all provisions of 40 C.F.R. § 761.180 (Records and Monitoring). On July 15 of each year, US Ecology 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 Facilities Management Office (Attn: WST-4)  
Waste Management Division  
U.S. Environmental Protection Agency - Region 9  
75 Hawthorne Street  
San Francisco, CA 94104
  
  - b. US Ecology 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 or disposal of the unmanifested PCB waste;
    - (6) 761.215(c)-(e) - Requirement to submit one-year exception reports; and
    - (7) 761.218 - Requirement to issue Certificates of Disposal.

- c. US Ecology shall retain all records, documentation, and information relating to the sampling, analysis, and data quality assurance as required by this Approval for a minimum of twenty (20) years after closure or longer if requested by U.S. EPA, and shall be made available to U.S. EPA upon request. These records, documentation, and information shall include the following [40 C.F.R. § 761.180(d), 40 C.F.R. § 761.65(d)(4)(iv), 40 C.F.R. § 761.75(c)(3)(ii)]:
- (1) Exact date, place, and time of each sample collected;
  - (2) Volume of each sample collected;
  - (3) Name of person collecting each sample;
  - (4) Name of laboratory and analyst;
  - (5) Date and time of analysis;
  - (6) The analytical techniques or methods used for each sample;
  - (7) The analytical results including chromatographs, calculations, and other raw data;
  - (8) Calibration records, maintenance records of sampling equipment, and analytical instrumentation; and
  - (9) Records of quality assurance activities.
- d. At the completion of any cleanup required by the Approval, US Ecology 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 US Ecology 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.
- e. US Ecology 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. Certificates of Disposal shall be provided to

the generator within thirty (30) days of receipt by US Ecology of documentation of final disposal of all materials resulting from the commercial storage of the generator's PCBs and PCB Items [40 C.F.R. § 761.218(b), 40 C.F.R. § 761.218(d)(2)].

- f. US Ecology shall submit a written report to U.S. EPA by the 15<sup>th</sup> day of each month that (1) includes a description of any unusual occurrences 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) fire, etc., that occurred during the previous month, and (2) beginning when 80 percent of the maximum disposal capacity is reached for the Trench 12 landfill, the volume of all wastes land disposed during the previous month. The written report shall include the source of the wastes, the quantity disposed, and a description of the wastes [40 C.F.R. § 761.75(c)(3)(ii)].

## **V. Conditions for Storage, Draining and Flushing of PCBs**

### **A. Unit Descriptions**

The PCB Storage and Processing Building (“PSPB”) (referenced as the PCB/RCRA Storage Building in the State RCRA Permit) is primarily used for storing PCBs and for draining and flushing equipment that contain PCB liquids. The PSPB is a fully enclosed structure measuring 48 feet by 100 feet. The State RCRA Permit authorizes other hazardous waste besides PCBs to be stored in the PSPB. A PCB Tank Farm consisting of five liquid storage tanks with a combined volume of 28,000 gallons is located behind (east) and adjacent to the PSPB. The tanks store PCB liquids from the draining and flushing operations in the PSPB prior to shipment for off-site incineration. The location of the PSPB and PCB Tank Farm are shown in Figure 2. US Ecology will construct a sealed concrete PCB Tank Truck Loading Pad where tanker trucks hook up to the bulk storage tanks in the PCB Tank Farm to remove PCB liquids. US Ecology will also construct a new sealed concrete secondary containment system for the PCB Tank Farm. The location of the PCB Tank Truck Loading Pad will be near the PCB Tank Farm. Please see the Statement of Basis for a more detailed description of the PCB Units.

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

1. US Ecology shall at all times comply with the PCB storage requirements contained in 40 C.F.R. § 761.65.
2. US Ecology shall store PCBs in accordance with the procedures specified in the Facility Operations Plan, US Ecology Nevada, Revision 3, February 2011. The Facility Operations Plan is contained in Appendix B-1 of this Approval [40 C.F.R. § 761.65(d)(4)(iv), 40 C.F.R. § 761.75(c)(3)(ii)].

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

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

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

Waste Management Unit Name	Unit Description	State RCRA Permit ID Number	Type of PCB Waste Allowed for Storage	Maximum Storage Capacity (gallons)
PCB Storage and Processing Building	Building	CMU #1	Any and all forms of PCB wastes	59,400 (1,080 55-gallon drums)
PCB Tank Farm	Tank	T-4	Bulk PCB Liquids	7,500
	Tank	T-5	Bulk PCB Liquids	7,500
	Tank	T-6	Bulk PCB Liquids	5,000
	Tank	T-7	Bulk PCB Liquids	5,000
	Tank	T-8	Bulk PCB Liquids	3,000

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

1. The storage facilities for PCBs designated for disposal shall meet the following criteria:
  - 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), 40 C.F.R. § 761.75(c)(3)(ii)];
  - b. An adequate floor surrounded by continuous curbing 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), 40 C.F.R. § 761.75(c)(3)(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), 40 C.F.R. § 761.75(c)(3)(ii)];
  - d. The floor and curbing shall be constructed of continuous, smooth and impervious materials such as Portland cement concrete or steel. Two coats of Epoxy or a similar type of coating with different colors shall be used with concrete to prevent or minimize penetration of PCBs [40 C.F.R. § 761.65(b)(1)(iv), 40 C.F.R. § 761.75(c)(3)(ii)]; and
  - e. The area is not located below the 100-year flood water elevation [40 C.F.R. § 761.65(b)(1)(v), 40 C.F.R. § 761.75(c)(3)(ii)].
2. All storage tanks for bulk storage of drained PCB liquids, flushates and other liquid PCB wastes shall be located in a bermed containment area that meets the following requirements:
  - a. The tanks are elevated to allow daily leak detection [40 C.F.R. § 761.65(d)(4)(iv), 40 C.F.R. § 761.75(c)(3)(ii)];
  - b. Has a secondary containment system consisting of an adequate floor surrounded by continuous curbing at least six inches high. The floor and curbing containment volume shall be at least twice the internal volume of the largest tank stored therein or 25 percent of the total internal volume of all the tanks stored therein, whichever is greater, plus the precipitation from a 24 hr, 100 year storm [40 C.F.R. § 761.65(d)(4)(iv), 40 C.F.R. § 761.75(c)(3)(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), 40 C.F.R. § 761.75(c)(3)(ii)];
- d. The floor and curbing shall be constructed of continuous, smooth and impervious materials such as Portland cement concrete or steel. Two coats of Epoxy or a similar type coating with different colors are required with concrete to prevent or minimize penetration of PCBs [40 C.F.R. § 761.65(b)(1)(iv), 40 C.F.R. § 761.75(c)(3)(ii)]; and
- e. The area is not located below the 100-year flood water elevation [40 C.F.R. § 761.65(b)(1)(v), 40 C.F.R. § 761.75(c)(3)(ii)].

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

- 1. US Ecology is authorized to store up to 59,400 gallons (1,080 55-gallon drums or equivalent) of any and all forms of PCB wastes in the PSPB. 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 PSPB. A partially full drum shall be counted as full for purposes of determining maximum allowable storage capacity [40 C.F.R. § 761.65, 40 C.F.R. § 761.75(c)(3)(ii)].
- 2. US Ecology shall operate and maintain a database and barcode system to track the volumes and locations of all PCB wastes throughout the Facility [40 C.F.R. § 761.65(d)(4)(iv), 40 C.F.R. § 761.75(c)(3)(ii)].
- 3. US Ecology shall maintain a 3-foot or greater aisle space between all items or rows of all items stored in the PSPB to allow for unobstructed access by personnel, fire protection equipment, and decontamination equipment. For the purposes of this Approval, a four foot by four foot pallet constitutes a single storage item regardless of how many drums are on it [40 C.F.R. § 761.65(d)(4)(iv), 40 C.F.R. § 761.75(c)(3)(ii)].
- 4. US Ecology shall store containers in the PSPB no more than two units high [40 C.F.R. § 761.65(d)(4)(iv), 40 C.F.R. § 761.75(c)(3)(ii)].
- 5. US Ecology shall store all containers and PCB Items off the floor on pallets or other equally stable support structures while being stored in the PSPB [40 C.F.R. § 761.65(d)(4)(iv), 40 C.F.R. § 761.75(c)(3)(ii)].

6. US Ecology shall not remove any item of movable equipment from the PSPB that is used for handling PCBs and PCB Items or that comes in direct contact with PCBs 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)].

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

1. US Ecology is authorized to drain and flush PCB containing transformers and other PCB Items in the PSPB and to store the associated PCB flushate liquids in the five storage tanks (T-4, T-5, T-6, T-7 and T-8) located in the PCB Tank Farm. The PCB flushate liquids shall be stored until they are transported off-site for incineration or treatment in accordance with applicable state and federal regulations. The drained transformers and other equipment shall be disposed of in one of the active on-site landfills or be sent to an approved off-site PCB landfill [40 C.F.R. § 761.65, 40 C.F.R. § 761.75(c)(3)(ii)].
2. US Ecology shall conduct all PCB draining and flushing operations in accordance with Section 4.4.1, PCB Storage, Draining and Flushing, of the Facility Operations Plan, dated February 2011 (Revision 3). The Facility Operations Plan is contained in Appendix B-1 of this Approval [40 C.F.R. § 761.65(d)(4)(iv), 40 C.F.R. § 761.75(c)(3)(ii)].
3. US Ecology shall conduct all draining and flushing operations within the bermed and sealed containment area of the PSPB [40 C.F.R. § 761.65(d)(4)(iv), 40 C.F.R. § 761.75(c)(3)(ii)].
4. US Ecology shall minimize accidental spills of PCB containing liquids from the draining and flushing operations. Any spills shall be addressed in accordance with Subsection IV.F., Emergency Preparedness and Spill Cleanup, of this Approval [40 C.F.R. § 761.65(d)(4)(iv), 40 C.F.R. § 761.75(c)(3)(ii)].
5. US Ecology shall, for the PCB Items listed below, drain the Items of all PCB containing liquids, fill the Items with No. 2 diesel fuel or another suitable solvent and allow the equipment to “soak” for a minimum of 18 hours. At the end of the 18-hour “flushing” period, US Ecology shall drain the solvent from the piece of equipment. US Ecology shall make all practicable efforts, including extending the drainage time and/or using absorbents, to ensure that all solvent is removed from the flushed piece of equipment. The drained liquid “flushate” shall be treated as PCB liquids. The drained equipment shall be disposed of in one of the active on-site landfills or be sent to an approved off-site PCB landfill. The following PCB Items are subject to this Condition:



- a. **Transformers** that previously contained liquids with a concentration of PCBs equal to or greater than 500 ppm [as defined in 40 C.F.R. § 761.3 and as required in 40 C.F.R. § 761.60(b)(1)(i)(B), 40 C.F.R. § 761.75(c)(3)(ii)].
  - b. **Hydraulic Machines** that previously contained liquids with a concentration of PCBs equal to or greater than 1000 ppm [as defined as a PCB Article 40 C.F.R. § 761.3 and as required in 40 C.F.R. § 761.60(b)(3)(ii), 40 C.F.R. § 761.75(c)(3)(ii)].
  - c. **Mineral Oil PCB Transformers** that previously contained liquids with a concentration of PCBs equal to or greater than 500 ppm [as defined in 40 C.F.R. § 761.3 and as required in 40 C.F.R. § 761.60(b)(1)(i)(B), 40 C.F.R. § 761.75(c)(3)(ii)].
6. All PCB containing liquids drained from the PCB Items listed in Condition V.F.5 shall be disposed of within 1 year of the out of service date of the PCB Item (e.g., transformer). US Ecology shall maintain a written tracking log of all Items that are drained of PCB containing liquids. The tracking log shall, at a minimum, identify the PCB Item drained (e.g., transformer), the Item number, the out of service date of the Item, the storage tank(s) that received the PCB liquids, the date when the PCB liquids in each tank are shipped off-site for disposal and for each date the corresponding volume of PCB liquids shipped off-site for disposal. The log book shall be kept in the PSPB and be available for review upon request [40 C.F.R. § 761.65(a)(1), 40 C.F.R. § 761.65(d)(4)(iv), 40 C.F.R. § 761.75(c)(3)(ii)].
  7. All loading of PCB containing liquids into tanker trucks for off-site disposal or destruction shall be done on the PCB Tank Truck Loading Pad once it has been constructed [40 C.F.R. § 761.65(d)(4)(iv), 40 C.F.R. § 761.75(c)(3)(ii)].

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

1. US Ecology is authorized to store up to 28,000 gallons of PCB containing liquids in the PCB Tank Farm. The PCB Tank Farm, which consists of five storage tanks (T-4, T-5, T-6, T-7 and T-8) is located adjacent to the PSPB and is connected by pipes to areas within the building where equipment is drained and flushed (see Subsection V.F., Draining and Flushing of PCBs) [40 C.F.R. § 761.65, 40 C.F.R. § 761.75(c)(3)(ii)].
2. US Ecology shall not place liquids in the tank system if they can cause the tank, ancillary equipment, or a containment system to rupture, leak, corrode or otherwise fail [40 C.F.R. § 761.65(d)(4)(iv), 40 C.F.R. § 761.75(c)(3)(ii)].

3. US Ecology shall not place any substances into the tank system that may be incompatible with PCBs [40 C.F.R. § 761.65(d)(4)(iv), 40 C.F.R. § 761.75(c)(3)(ii)].
4. US Ecology shall not spill or cause an overflow of PCB containing liquid from the tank or containment system [40 C.F.R. § 761.65(d)(4)(iv), 40 C.F.R. § 761.75(c)(3)(ii)].
5. US Ecology shall, at a minimum, replace the activated carbon filters that receive venting gases from the PCB storage tanks every 3 months. The two drums that contain the filters shall have a label that indicates when the carbon filters were last replaced [40 C.F.R. § 761.65(d)(4)(iv), 40 C.F.R. § 761.75(c)(3)(ii)].

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

1. US Ecology shall comply with the requirements for PCB containers specified in 40 C.F.R. § 761.65(c)(6). 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), 40 C.F.R. § 761.75(c)(3)(ii)].
2. US Ecology shall design, construct and operate the PCB storage tanks (T-4, T-5, T-6, T-7 and T-8) in accordance with Occupational Safety and Health Standards at 29 C.F.R. § 1910.106 [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. US Ecology 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. US Ecology shall use marking labels in accordance with 40 C.F.R. § 761.45.
3. US Ecology shall mark the tanks in the PCB Tank Farm with the M<sub>L</sub> label [40 C.F.R. § 761.40].

#### **J. Sampling of PCB Storage and Processing Building**

1. US Ecology shall conduct quarterly sampling of the PSPB and PCB Tank Farm in accordance with Section 5.0, Sampling and Monitoring, of the Renewal Application. The sampling shall include (1) taking wipe samples for PCB analysis from the storage and process floor and entrance ramp to the building, and (2) taking soil samples for PCB analysis from the PCB Tank Farm and areas adjacent to the building. A minimum of 2 wipe samples shall be taken on floor

areas where draining and flushing of PCBs occurs, a minimum of 2 wipe samples shall be taken on floor areas where PCBs are stored, a minimum of 1 wipe sample shall be taken on the floor of the PSPB office at the entrance to the PCB storage area, a minimum of 1 wipe sample shall be taken on the entrance ramp to the PSPB, and a minimum of 4 soil samples shall be taken from the PCB Tank Farm and areas adjacent to the building. Wipe samples shall be substituted for soil samples once the sealed concrete secondary containment system has been constructed for the PCB Tank Farm in accordance with Subsection V.M of this Approval. 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. US Ecology shall conduct quarterly PCB sampling of the PCB Tank Truck Loading Pad once it has been constructed and is in operation. The sampling shall include taking a minimum of 2 wipe samples for PCB analysis. One wipe sample shall be taken below where the hoses are attached to the tanker truck and one sample taken at a random location on the truck pad. Once per year an independent contractor will 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)].
3. If wipe samples show PCB concentrations greater than 10 ug/100 cm<sup>2</sup>, or if soil samples have a concentration of PCBs greater than 1 ppm, US Ecology 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 discussed in the Environmental Monitoring Report that is submitted to U.S. EPA twice per year [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)].

#### **K. Inspection Requirements for PCB Storage Units**

1. US Ecology shall inspect the PSPB, PCB Tank Farm and PCB Tank Truck Loading Pad in accordance with (1) Section 4.4.2, Commercial Storage of PCBs and Section 7.0, Facility Inspection, of the Facility Operations Plan, dated February 2011 (Revision 3) and (2) the Facility Inspection Plan, US Ecology Nevada, dated March 2010 (Revised May 2011). The Facility Operations Plan is contained in Appendix B-1 of this Approval and the Facility Inspection Plan is contained in Appendix B-6 of this Approval [40 C.F.R. § 761.65(d)(4)(iv), 40 C.F.R. § 761.75(c)(3)(ii)].

2. US Ecology shall evaluate and address all deficiencies identified during the inspections of the PSPB, PCB Tank Farm and PCB Tank Truck Loading Pad in accordance with (1) Section 4.4.2, Commercial Storage of PCBs and Section 7.0, Facility Inspection, of the Facility Operations Plan, dated February 2011 (Revision 3), and with (2) the Facility Inspection Plan, US Ecology Nevada, dated March 2010 (Revised May 2011). The Facility Operations Plan is contained in Appendix B-1 of this Approval and the Facility Inspection Plan is contained in Appendix B-6 of this Approval [40 C.F.R. § 761.65(d)(4)(iv), 40 C.F.R. § 761.75(c)(3)(ii)].
3. US Ecology shall document all inspections of the PSPB, PCB Tank Farm and PCB Tank Truck Loading Pad using the inspection report forms contained in the Facility Inspection Plan, US Ecology Nevada, dated March 2010 (Revised May 2011). The Facility Inspection Plan is contained in Appendix B-6 of this Approval. US Ecology 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)].

#### **L. Closure of Storage Units**

1. US Ecology shall notify U.S. EPA in writing at least 60 days prior to the date it expects to begin closure of any of the storage units [40 C.F.R. § 761.65(e)(6)(i), 40 C.F.R. § 761.75(c)(3)(ii)].
2. US Ecology shall conduct final closure activities for the PSPB, PCB Tank Farm and PCB Tank Truck Loading Pad in accordance with the Closure Plan, US Ecology Nevada, September 2010. The Closure Plan is contained in Appendix B-7 of the Approval. The September 2010 Closure Plan is the most current version of the document at the time of issuance of this Approval [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. US Ecology shall submit to U.S. EPA a revised Closure Plan reflecting current operating conditions at the Facility at least 180 days prior to the anticipated beginning of closure activities. The revised Closure Plan must undergo the Approval modification process described in Subsection VIII.A prior to implementation [40 C.F.R. § 761.65(d)(4)(iv), 40 C.F.R. § 761.75(c)(3)(ii)].
4. US Ecology may petition U.S. EPA to forgo submittal of a revised Closure Plan as required by this Condition. If US Ecology intends to submit a petition, it shall be submitted to U.S. EPA at least 180 days prior to the anticipated beginning of closure activities. To be successful, US Ecology must demonstrate to U.S.

EPA's satisfaction that there have not been significant changes to operating conditions at the Facility that would warrant revisions to the Closure Plan. U.S. EPA must approve the petition in writing prior to implementation of the Closure Plan. If U.S. EPA denies the petition, US Ecology shall comply with the requirement of Condition V.L.3 [40 C.F.R. § 761.65(d)(4)(iv), 40 C.F.R. § 761.75(c)(3)(ii)].

5. Notwithstanding the requirements set forth in Condition V.L.3 above, US Ecology 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, or Facility design that affect the Closure Plan;
  - b. There is a change in the expected date of closure, if applicable;
  - c. In conducting closure activities, unexpected events require a modification of the Closure Plan; or
  - d. Changes to the regulations that affect the Closure Plan.
6. To the extent US Ecology is unable or unwilling to perform any of the closure activities specified in this subsection, the State of Nevada as site Owner and co-permittee, upon written notification from U.S. EPA, shall conduct such closure activities in accordance with the requirements of this Approval [40 C.F.R. § 761.65(d)(4)(iv), 40 C.F.R. § 761.75(c)(3)(ii)].

**M. Upgraded Secondary Containment System for PCB Tank Farm and New PCB Tank Truck Loading Pad**

1. Within 365 days of the effective date of this Approval or as otherwise extended by U.S. EPA, US Ecology shall complete construction of a new secondary containment system for the PCB Tank Farm that meets the design requirements contained in Condition V.D.2 of this Approval [40 C.F.R. § 761.65(d)(4)(iv), 40 C.F.R. § 761.75(c)(3)(ii)].
2. Within 365 days of the effective date of this Approval or as otherwise extended by U.S. EPA, US Ecology shall construct a sealed concrete PCB Tank Truck Loading Pad where tanker trucks hook up to the bulk storage tanks in the PCB Tank Farm to remove PCB liquids. The Loading Pad shall also include adequate containment for any connections from the tanker truck to the storage tanks [40 C.F.R. § 761.65(d)(4)(iv), 40 C.F.R. § 761.75(c)(3)(ii)].

3. The new secondary containment system for the PCB Tank Farm and PCB Tank Truck Loading Pad shall be constructed in accordance with the requirements and construction schedule contained in Subsection V.N of this Approval [40 C.F.R. § 761.65(d)(4)(iv), 40 C.F.R. § 761.75(c)(3)(ii)].

**N. Construction Schedule for New Secondary Containment System for PCB Tank Farm and PCB Tank Truck Loading Pad**

1. US Ecology shall submit (1) an Engineering and Design Plan that includes a construction schedule and (2) an As-Built Construction Report to U.S. EPA by the dates indicated in the following table:

**Table 2 - Construction Schedule**

Item	Activity	Due Date
1	US Ecology shall submit an Engineering and Design Plan to U.S. EPA for constructing (1) the new sealed concrete secondary containment system for the PCB Tank Farm and (2) the sealed concrete PCB Tank Truck Loading Pad. The Engineering and Design Plan shall, at a minimum, include the design plans and specifications for the construction work, a construction schedule, quality assurance and control procedures, and a description of how the proposed project meets the design requirements contained in Condition V.D.2 of this Approval [40 C.F.R. § 761.65(d)(4)(iv), 40 C.F.R. § 761.75(c)(3)(ii)].	60 days from the effective date of this Approval
2	After completion of work, US Ecology shall submit an "As-Built" Construction Report to U.S. EPA that describes in detail how the project was constructed including As-Built drawings and a description of any deviations from the Engineering and Design Plan [40 C.F.R. § 761.65(d)(4)(iv), 40 C.F.R. § 761.75(c)(3)(ii)].	As specified in the construction work plan schedule

2. US Ecology shall revise the Engineering and Design Plan, construction schedule, and Construction Report in accordance with written comments from U.S. EPA and submit revised versions of these documents as directed by U.S. EPA.
3. The Engineering and Design Plan and construction schedule must be approved in writing by U.S. EPA prior to implementation.

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

### **A. Unit Descriptions**

US Ecology is permitted by the State of Nevada to treat hazardous waste in five Stabilization Tanks or "Treatment Pans" and the Evaporation Tank. Treatment Pans 1, 2 and 3, which are located outside, will be used in the future exclusively for treatment of hazardous waste (no PCBs). However, due to past operations involving PCBs, Treatment Pans 1, 2 and 3 are included in the Facility Closure Plan for this Approval. PCBs may, under special circumstances, be processed for disposal in Treatment Pans 4 and 5, and in the Evaporation Tank. Treatment Pans 4 and 5 are located inside the Container Management Building, are installed below ground, and have double steel liners with a leak detection system. The Evaporation Tank is located outside, is installed below ground, and is constructed of concrete with a high density polyethylene liner and leak detection system. The location of Treatment Pans 4 and 5 and the Evaporation Tank are shown on Figure 2.

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

1. US Ecology is authorized to process the following types of PCB wastes in Treatment Pans 4 and 5:
  - 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. If the liquids are also RCRA regulated, the resulting treated solids must meet all of the applicable land disposal restrictions at 40 C.F.R. Part 268 prior to disposal in the Trench 11 or Trench 12 landfills [40 C.F.R. §761.75(c)(3)(ii)];
  - b. Leachate generated by the Facility may be solidified provided that the total PCB concentration is less than 2 mg/L. Prior to disposal in the Trench 11 or Trench 12 landfills, the resulting treated solids must meet all of the applicable land disposal restrictions, including PCBs at 10 mg/kg, for an F039 listed hazardous waste set forth in 40 C.F.R. Part 268 [40 C.F.R. §761.79(b)(2), 40 C.F.R. §761.75(c)(3)(ii)];
  - c. PCB waste (non-soils) at concentrations less than 50 ppm, providing that the source of the waste is less than 50 ppm, may be processed in the Treatment Pans when RCRA hazardous constituents in combined RCRA/TSCA waste require treatment prior to land disposal. Prior to disposal in the Trench 11 or Trench 12 landfills, the resulting treated solids must meet all of the applicable land disposal restrictions set forth in 40 C.F.R. Part 268 [40 C.F.R. §761.75(c)(3)(ii)]; and

- d. Soils that are determined to be hazardous by toxicity characteristic for metals under RCRA and are also TSCA regulated may be processed in Treatment Pans 4 and 5 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].
2. US Ecology is authorized to treat (evaporate) truck wash rinsate water with concentrations of PCBs less than 50 mg/L in the Evaporation Tank. If the liquids are also RCRA regulated, the resulting treated solids must meet all of the applicable land disposal restrictions set forth in 40 C.F.R. Part 268 prior to disposal in the Trench 11 or Trench 12 landfills [40 C.F.R. § 761.75(c)(3)(ii)].
  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. US Ecology 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 3  
PCB Treatment Units and Maximum Capacities**

Waste Management Unit Name	Unit Description	State RCRA Permit ID Number	Type of PCB Waste Allowed for Treatment	Maximum Treatment Capacity (gallons per day)
Stabilization Units	Treatment Pan 4 (Indoors)	T-18	See Subsection VI.B	68,500
	Treatment Pan 5 (Indoors)	T-19	See Subsection VI.B	68,500
Evaporation Tank	Evaporation Tank	T-11	Truck wash rinsate water	Not Applicable*

\*Regulated total capacity limited to 10,000 gallons (solid and liquid).



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

1. US Ecology shall operate and maintain Treatment Pans 4 and 5 and the Evaporation Tank in accordance with the Facility Operations Plan, dated February 2011 (Revision 3) which is contained in Appendix B-1 of this Approval [40 C.F.R. § 761.75(c)(3)(ii)].
2. US Ecology shall not mix PCBs and any substances that may be incompatible with PCBs in Treatment Pans 4 and 5.
3. US Ecology shall take all appropriate measures to minimize dust emissions from operations at the Treatment Pans, including but not limited to, using non-hazardous, non-RCRA liquids for dust suppression. US Ecology shall operate a baghouse to control dust emissions anytime PCB wastes are being processed in Treatment Pans 4 or 5 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. US Ecology shall conduct quarterly PCB sampling of the Container Management Building (CMU #16) floor areas. The sampling shall include taking a minimum of 2 wipe samples for PCB analysis from the floor area near Treatment Pan 4 and a minimum of 2 wipe samples from the floor area near Treatment Pan 5. Once per year an independent contractor will conduct the sampling. If wipe samples show PCB concentrations greater than 10 ug/100 cm<sup>2</sup>, US Ecology 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 discussed in the Environmental Monitoring Report that is submitted to U.S. EPA twice per year [40 C.F.R. § 761.30(p), 40 C.F.R. § 761.30(u), 40 C.F.R. § 761.75(c)(3)(ii)].

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

1. US Ecology shall inspect Treatment Pans 4 and 5 and the Evaporation Tank in accordance with (1) Section 7.0, Facility Inspection, of the Facility Operations Plan, dated February 2011 (Revision 3), and (2) the Facility Inspection Plan, US Ecology Nevada, dated March 2010 (Revised May 2011). The Facility Operations Plan is contained in Appendix B-1 of this Approval and the Facility Inspection Plan is contained in Appendix B-6 of this Approval [40 C.F.R. § 761.75(c)(3)(ii)].

2. US Ecology shall evaluate and address all deficiencies identified during the inspections of Treatment Pans 4 and 5 and the Evaporation Tank in accordance with (1) Section 7.0, Facility Inspection, of the Facility Operations Plan, dated February 2011 (Revision 3), and (2) the Facility Inspection Plan, US Ecology Nevada, dated March 2010 (Revised May 2011). The Facility Operations Plan is contained in Appendix B-1 of this Approval and the Facility Inspection Plan is contained in Appendix B-6 of this Approval [40 C.F.R. § 761.75(c)(3)(ii)].
3. US Ecology shall document all inspections of Treatment Pans 4 and 5 and the Evaporation Tank using the inspection report forms contained in the Facility Inspection Plan, US Ecology Nevada, dated March 2010 (Revised May 2011) contained in Appendix B-6 of this Approval. US Ecology shall also document actions taken to address any deficiencies identified during the inspections [40 C.F.R. § 761.75(c)(3)(ii)].

#### **F. Closure of Treatment Units**

1. US Ecology shall notify U.S. EPA in writing at least 60 days prior to the date it expects to begin closure of any of the treatment units [40 C.F.R. § 761.75(c)(3)(ii)].
2. US Ecology shall conduct final closure activities for Treatment Pans 1 through 5 and the Evaporation Tank in accordance with the Closure Plan, US Ecology Nevada, September 2010 contained in Appendix B-7 of this Approval. The September 2010 Closure Plan is the most current version at the time of issuance of this Approval [40 C.F.R. § 761.75 (c)(3)(ii)].
3. US Ecology shall submit to U.S. EPA a revised Closure Plan reflecting current operating conditions at the Facility at least 180 days prior to the anticipated beginning of closure activities. The revised Closure Plan must undergo the Approval modification process described in Subsection VIII.A prior to implementation [40 C.F.R. § 761.75(c)(3)(ii)].
4. US Ecology may petition U.S. EPA to forgo submittal of a revised Closure Plan as required by this Condition. If US Ecology intends to submit a petition, it shall be submitted to U.S. EPA at least 180 days prior to the anticipated beginning of closure activities. To be successful, US Ecology must demonstrate to U.S. EPA's satisfaction that there have not been significant changes to operating conditions at the Facility that would warrant revisions to the Closure Plan. U.S. EPA must approve the petition in writing prior to implementation of the Closure Plan. If U.S. EPA denies the petition, US Ecology shall comply with the requirement of Condition VI.F.3 [40 C.F.R. § 761.75(c)(3)(ii)].

5. Notwithstanding the requirements set forth in Condition VI.F.3 above, US Ecology 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, or Facility design that affect the existing Closure Plan;
  - b. There is a change in the expected date of closure, if applicable;
  - c. In conducting closure activities, unexpected events require a modification of the Closure Plan; or
  - d. Changes to the regulations that affect the Closure Plan.
6. To the extent US Ecology is unable or unwilling to perform any of the closure activities specified in this subsection, the State of Nevada as site Owner and co-permittee, upon written notification from U.S. EPA, shall conduct such closure activities in accordance with the requirements of this Approval [40 C.F.R. § 761.75(c)(3)(ii)].

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

### **A. Unit Descriptions**

Trench 11 and Trench 12 are currently the only active landfills at the US Ecology Facility. Trench 11 is currently permitted to receive non-liquid RCRA hazardous waste, non-RCRA waste and PCBs. Trench 12 is being constructed in three separate phases. The first phase was constructed in 2008 and the second phase in 2011. Trench 12 is receiving hazardous wastes for disposal pursuant to a State RCRA Permit. Trench 11 and Trench 12 both have bottom and sidewall liner systems that incorporate primary and secondary liners as well as leachate collection and recovery systems. The base footprint of Trench 11 is approximately 12.3 acres. The base footprint of Trench 12 is approximately 11 acres (three phases). The locations of Trench 11 and Trench 12 are shown on Figure 2, Map of Units Approved for PCB Waste Management. Please see the Statement of Basis for a more detailed description of the Units.

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

1. This Approval authorizes, with conditions, the Trench 11 and Trench 12 landfills at the US Ecology Facility to receive PCB wastes for disposal [40 C.F.R. § 761.75].

2. The maximum disposal capacity of Trench 11 shall not exceed 2.36 million cubic yards inclusive of waste and daily cover [40 C.F.R. § 761.75(c)(3)(ii)].
3. The maximum disposal capacity of Trench 12 shall not exceed 1.66 million cubic yards inclusive of waste and daily cover [40 C.F.R. § 761.75(c)(3)(ii)].
4. US Ecology 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 [40 C.F.R. § 761.75(c)(3)(ii)].
5. US Ecology shall construct the third and final phase of Trench 12 in accordance with the "Landfill Report for Trench 12 Supplement, US Ecology Nevada, Hazardous Waste Management Facility, Beatty, Nevada, October 2007". The Landfill Report is contained in Appendix B-10 of this Approval [40 C.F.R. § 761.75(c)(3)(ii)].

#### C. PCB Wastes Authorized for Disposal

1. US Ecology is authorized to dispose of the following non-liquid PCB wastes in Trench 11 and Trench 12:
  - a. **Drained PCB Hydraulic Machines** [as defined as a PCB Article by 40 C.F.R. § 761.3 and as required in 40 C.F.R. § 761.60(b)(3)(ii)]. PCB Hydraulic Machines shall be drained of all free-flowing liquids prior to disposal in a landfill. If the liquid contains 1000 ppm or more of PCBs, the machine shall be flushed with a PCB-soluble solvent which contains less than 50 ppm PCBs prior to disposal in a landfill. The spent solvent shall be disposed of in accordance with 40 C.F.R. § 761.60(a);
  - b. **Drained Mineral Oil 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]. Mineral Oil PCB Transformers shall be drained of all free-flowing liquids, filled with a PCB-soluble solvent, allowed to stand for at least 18 continuous hours, and then thoroughly drained prior to disposal in a landfill. The drained transformer liquid and the solvent removed from the transformer shall be disposed of in accordance with 40 C.F.R. § 761.60(a);
  - c. **Drained 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 of all free-flowing liquids, filled with a PCB-soluble solvent, allowed to stand for at least 18 continuous hours, and then

thoroughly drained prior to disposal in a landfill. The drained transformer liquid and the solvent removed from the transformer shall be disposed of in accordance with 40 C.F.R. § 761.60(a);

- d. **Natural gas pipeline systems** [as defined in 40 C.F.R. § 761.3 and as required in 40 C.F.R. § 761.60(b)(5)];
- e. **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;
- f. **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 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);
- g. **PCB Article Containers** [as defined in 40 C.F.R. § 761.3];
- h. **PCB Bulk Product Waste** [as defined in 40 C.F.R. § 761.3];
- i. **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) and providing that the total amount of liquid per 55 gallon drum is equal to or less than 15 gallons;
- j. **PCB Contaminated Large Capacitors** [as required in 40 C.F.R. § 761.60(b)(4), contains  $\geq 50$  ppm and  $\leq 500$  ppm PCBs];
- k. **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);

- l. **PCB Equipment** [as defined in 40 C.F.R. § 761.3]. This includes, but is not limited to, any manufactured item such as microwave ovens, electronic equipment and fluorescent light ballasts and fixtures;
- m. **PCB-Free Capacitors** [as discussed in 40 C.F.R. § 761.60(b)(2)(i)]. To qualify as a PCB-Free capacitor, it must be known from the label or nameplate information, manufacturer's literature (including documented communications with the manufacturer), or chemical analysis that the capacitor does not contain PCBs;
- n. **PCB Household Waste** [as defined in 40 C.F.R. § 761.3]. This includes, but is not limited to, PCB wastes generated by consumers in their homes, household items and appliances;
- o. **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;
- p. **Soils (RCRA and TSCA Regulated)**. Soils that are determined to be hazardous by toxicity characteristic for metals under RCRA and are also TSCA regulated may be landfilled in Trench 11 or Trench 12 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];
- q. **PCB Sewage Sludge** [as defined in 40 C.F.R. § 761.3, contains  $\geq 50$  ppm PCBs]. The PCB sewage sludge shall be dewatered so as to pass the Paint Filter Test described in the most current version of SW-846, "Test Methods for Evaluating Solid Wastes, Method 9095, prior to disposal in a landfill; and
- r. **PCB Small Capacitors not owned by the manufacturer** [as defined in 40 C.F.R. § 761.3 and as required in 40 C.F.R. § 761.60(b)(2)(iv)]. PCB small capacitors owned by a person who did not manufacture or at any time manufacture PCB capacitors or PCB equipment.

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

1. Ignitable wastes (D001) as defined and required in 40 C.F.R. § 761.75(b)(8)(iii) are prohibited from disposal in the Trench 11 and Trench 12 landfills.
2. The disposal of liquid wastes, as defined by the Paint Filter Liquid Test, are prohibited from disposal in the Trench 11 and Trench 12 landfills [40 C.F.R. § 761.75(c)(3)(ii)].
3. Large Capacitors that contain liquids with 500 ppm or greater of PCBs are prohibited from disposal in the Trench 11 and Trench 12 landfills [40 C.F.R. § 761.60(b)(2)(iii)].
4. PCB small capacitors owned by the manufacturer are prohibited from disposal in the Trench 11 and Trench 12 landfills [40 C.F.R. § 761.60(b)(2)(iv)].
5. Mixed RCRA and TSCA regulated wastes that do not meet the land disposal restrictions at 40 C.F.R. § 268 are prohibited from disposal in the Trench 11 and Trench 12 landfills [40 C.F.R. § 761.75(c)(3)(ii)].

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

1. US Ecology shall at all times comply with the landfill and disposal requirements contained at 40 C.F.R. §§ 761.60, 761.75, 761.120, and 761.180(b). The requirements of 40 C.F.R. § 761.65 shall be adhered to should any non-liquid PCB wastes be stored prior to disposal.
2. US Ecology shall operate the Trench 11 and Trench 12 landfills in accordance with the procedures specified in the Facility Operations Plan, US Ecology Nevada, Revision 3, February 2011. The Facility Operations Plan is contained Appendix B-1 of this Approval [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. US Ecology shall maintain records of waste locations within Trench 11 and Trench 12 using a grid coordinate system as specified in Section 5, Location of Wastes, Facility Operations Plan, US Ecology Nevada, Revision 3, February 2011. The Facility Operations Plan is contained Appendix B-1 of this Approval [40 C.F.R. § 761.75(b)(8)(ii)].

6. US Ecology shall operate and maintain Trench 11 and Trench 12 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. US Ecology shall maintain the roads to and within Trench 11 and Trench 12 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. US Ecology 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 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. US Ecology may, for the purposes of TSCA only, use leachate from the Trench 11 and 12 landfills for dust suppression 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. Total PCBs in the leachate are at a concentration of 0.5 ug/L or less;
  - b. All sumps that produce leachate intended for dust suppression shall be sampled and tested as follows: U.S. Ecology shall take, at a minimum, one sample of leachate for testing per sump for each pumping period (seven days or as otherwise specified by U.S. EPA). For example, if three tote containers of leachate are generated for a given sump during a one week period, a single sample of leachate from one of the totes shall be taken for PCB analysis. The analysis method shall have a detection limit for PCBs that is below 0.5 ug/L.



- c. A written log is maintained that records all of the leachate sampling results. The log shall, at a minimum, include the following information: identification of landfill, identification of sump, date and time of sampling, volume of leachate pumped, analysis results, date of the laboratory report, and date of when the leachate was applied to the landfill. The logged information shall be included and discussed in the Environmental Monitoring Report that is submitted by US Ecology to U.S. EPA twice per year;
  - d. Leachate shall only be used for dust suppression on the active parts of the landfills (not including roads); and
  - e. Leachate cannot be applied to the landfills for dust suppression until after the laboratory test results confirm that the concentration of PCBs is 0.5 ug/L or less.
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 Trench 11 and Trench 12 landfills shall comply with the State RCRA Permit and the RCRA regulations [40 C.F.R. § 761.75(c)(3)(ii)].

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

- 1. US Ecology shall comply with the groundwater monitoring requirements specified in the PCB regulations at 40 C.F.R. § 761.75(b)(6).
- 2. US Ecology shall take samples of groundwater each calendar quarter from all of the point of compliance (downgradient) monitoring wells and background wells listed in Table 4 below 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." The monitoring well locations are shown on Figure 3, Groundwater Monitoring Wells.

**Table 4**  
**PCB Monitoring Wells**

<b>Well Identification</b>	<b>Designation</b>
001	Point of Compliance
002	Point of Compliance
308	Point of Compliance
309	Point of Compliance
310	Point of Compliance
311	Point of Compliance
313	Background
315A	Point of Compliance
316	Point of Compliance
317	Point of Compliance
318	Background
319	Background
320	Point of Compliance
322	Point of Compliance
324	Point of Compliance
325	Point of Compliance
326	Point of Compliance
327	Point of Compliance

3. US Ecology shall conduct groundwater monitoring and sampling in accordance with the procedures contained in (1) the Environmental Monitoring Plan, US Ecology Nevada, March 2010 (Revised May 2011) and (2) the Sampling and Analysis Plan, US Ecology Nevada, May 2010 (Revised May 2011). The Environmental Monitoring Plan is contained in Appendix B-11 of this Approval and the Sampling and Analysis Plan is contained in Appendix B-12 of this Approval. The Environmental Monitoring Plan and Sampling and Analysis Plan include procedures for purging wells, collecting samples, preserving samples, analyzing samples, calibrating sampling equipment, tracking and controlling samples (chain-of-custody procedures), evaluating data, reporting results and determining groundwater flowrate and direction [40 C.F.R. § 761.75(b)(6)].
4. US Ecology 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, US Ecology shall implement the compliance monitoring and corrective action procedures set forth by the State RCRA Permit. All required notifications and plan submittals shall be sent to U.S. EPA as well as the NDEP. U.S. EPA is the approval agency for all plans and reports required pursuant to this Condition [40 C.F.R. § 761.75(c)(3)(ii)].
6. US Ecology shall maintain the groundwater monitoring wells listed in Table 4 in accordance with the requirements of the State RCRA Permit [40 C.F.R. § 761.75 (c)(3)(ii)].
7. US Ecology shall install new wells or decommission existing wells in accordance with the requirements of the State RCRA Permit. US Ecology 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)].
8. US Ecology shall submit to U.S. EPA two reports per year that contain the analytical and field data results from the groundwater monitoring required by this Approval in accordance with the schedule contained in Table 5. 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)].

**Table 5**  
**Groundwater Reporting Schedule**

<b>Bi-Annual Period</b>	<b>Report Due Date</b>
January 1 to June 30	September 30
July 1 to December 31	March 30

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

1. US Ecology 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. US Ecology shall operate the leachate collection and detection systems for the Trench 11 and Trench 12 landfills in accordance with the respective Response Action Plan (“RAP”). The RAPs are titled, “Response Action Plan, Leak Detection System, Trench 11, US Ecology Nevada, October 2009” and the “Response Action Plan, Leak Detection System, Trench 12, US Ecology

Nevada, October 2009 (Revised May 2011).” The Trench 11 RAP is contained Appendix B-13 of this Approval and the Trench 12 RAP is contained in Appendix B-14 of this Approval. The RAPs for Trenches 11 and 12 provide 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 RAPs include predetermined site-specific actions 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. US Ecology shall operate the leachate collection and detection systems without the fluid level on any liner exceeding 30 centimeters or one foot at any time [40 C.F.R. § 761.75(c)(3)(ii)].
- c. US Ecology 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 Trench 11 and Trench 12 in accordance with the applicable RAP. Whenever liquids in the leachate collection/detection system are found above the level of 1.75 feet, the inspection frequency for that sump shall be increased to daily until the liquid level in the sump remains below 1.75 feet for two consecutive days. At that time the monitoring may then revert to weekly [40 C.F.R. § 761.75(c)(3)(ii)].
- d. US Ecology shall, during the post-closure period (which begins after the final cover is installed and closure certification is approved), monitor at least on a monthly basis, the depth of liquid in all of the leachate collection and detection sumps for Trench 11 and Trench 12 in accordance with the respective RAP. If the depth of leachate in a collection or detection sump stays below the pump operating level of 1.75 feet for two consecutive months, the leachate in that sump may be monitored on at least a quarterly basis. If the depth of leachate in a collection or detection sump stays below 1.75 feet for two consecutive quarters, the leachate in that sump may be monitored at least twice per year (semi-annually). If at any time during the post-closure period the pump operating level is exceeded in a collection or detection sump monitored on a quarterly or semi-annual basis, that sump will return to monitoring on a monthly basis until no pumpable liquids are found for two consecutive months before relaxing the frequency of monitoring in accordance with this Condition [40 C.F.R. § 761.75(c)(3)(ii)].

- e. US Ecology shall, within 24 hours of detecting pumpable liquids in a sump, pump all of the liquids from each sump in accordance with the respective RAP (Trench 11 RAP, Section 11.3.0 and 11.4.0 and Trench 12 RAP, Section 5) [40 C.F.R. § 761.75(c)(3)(ii)].
- f. US Ecology shall record, in an electronic database, the volumes of leachate pumped from each collection and detection sump in Trench 11 and Trench 12. The information collected shall, at a minimum, include identification of the landfill, the sump name (e.g., C-3), date and time of pumping, depth of leachate in the sump before and after pumping, the volume (gallons) of leachate pumped, and the leachate collection period. US Ecology 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. For example, the leachate volume per month for each sump could be plotted such that any trends could be evaluated for the year. The data, tables, graphs, and a summary of the trend analysis shall be included in the Environmental Monitoring Report that US Ecology submits to the U.S. EPA twice per year as part of the groundwater monitoring program (see Condition VII.F.8 of this Approval) [40 C.F.R. § 761.75(c)(3)(ii)].
- g. US Ecology 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 Trench 11 and Trench 12. The ALR, which is specified in the respective RAPs, 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)].
- h. The notification required by Condition VII.G.2.g 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)].
- i. Within thirty (30) days of the initial notification required by Condition VII.G.2.g, US Ecology 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)].

3. Leachate Sampling and Analysis

- a. US Ecology shall take samples of leachate from any sumps that contain leachate 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)(7)]. 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. US Ecology shall conduct leachate sampling in accordance with the applicable procedures contained in (1) the Environmental Monitoring Plan, US Ecology Nevada, March 2010 (Revised May 2011), and (2) the Sampling and Analysis Plan, US Ecology Nevada, May 2010 (Revised May 2011). The Environmental Monitoring Plan is contained in Appendix B-11 of this Approval and the Sampling and Analysis Plan is contained in Appendix B-12 of this Approval.
- c. The Environmental Monitoring Plan and Sampling and Analysis Plan are primarily intended for groundwater sampling. However, US Ecology shall apply the applicable procedures and protocols in these plans to the leachate sampling [40 C.F.R. § 761.75(c)(3)(ii)].
- d. US Ecology shall report in writing to U.S. EPA within 10 calendar days of detecting PCBs in any leachate collection or detection sump [40 C.F.R. § 761.75(c)(3)(ii)].
- e. US Ecology shall include the following information as part of the Environmental Monitoring Reports that are submitted to U.S. EPA twice per year: (1) a discussion of the leachate sampling results, and (2) the analytical results from the leachate sampling (see Condition VII.F.8 of this Approval) [40 C.F.R. § 761.75(c)(3)(ii)].

4. Disposal of Leachate
  - a. US Ecology 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. US Ecology shall inspect Trench 11 and Trench 12 in accordance with (1) Section 7.0, Facility Inspection, of the Facility Operations Plan, dated February 2011 (Revision 3), and with (2) the Facility Inspection Plan, US Ecology Nevada, dated March 2010 (Revised May 2011). The Facility Operations Plan is contained in Appendix B-1 of this Approval and the Facility Inspection Plan is contained in Appendix B-6 of this Approval. Inspections shall be carried out on a daily, weekly or monthly schedule as specified in the above referenced plans [40 C.F.R. § 761.75 (c)(3)(ii)].
2. US Ecology shall, during the active life of the landfills, conduct inspections of Trench 11 and Trench 12 that, at a minimum, address the following [40 C.F.R. § 761.75(c)(3)(ii)]:
  - a. Ensures adequate daily cover to protect against erosion and wind dispersal;
  - b. Looks for presence of standing water;
  - c. Ensures that all drums and bulk materials are covered properly;
  - d. Ensures minimum level of dust emissions;
  - e. Ensures safety and fire control equipment readily available;
  - f. Ensures equipment utilized during unloading is stored inside the disposal area during non-working hours;
  - g. Looks for signs of tears/damage to synthetic liners;
  - h. Ensures compatibility cells are clearly marked;
  - i. Looks for signs of material leakage;
  - j. Checks for deterioration, malfunctions, or improper operation of the run-on and run-off control systems including the run-on control ditches;
  - k. Checks for proper functioning of wind dispersal control systems, where present; and
  - l. Checks for the presence of leachate in and proper functioning of leachate collection and removal systems.
3. US Ecology shall conduct inspections of Trench 11 and Trench 12 within 24 hours or on the next business day after a storm event of 0.25 inches or greater 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. US Ecology shall evaluate and address all deficiencies identified during the inspections of Trench 11 and Trench 12 in accordance with (1) Section 7.0, Facility Inspection, of the Facility Operations Plan, dated February 2011 (Revision 3), and with (2) the Facility Inspection Plan, US Ecology Nevada, dated March 2010 (Revised May 2011). The Facility Operations Plan is contained in Appendix B-1 of this Approval and the Facility Inspection Plan is contained in Appendix B-6 of this Approval [40 C.F.R. § 761.75(c)(3)(ii)].
  5. US Ecology shall document all inspections of Trench 11 and Trench 12 using the inspection report forms contained in the Facility Inspection Plan, US Ecology Nevada, dated March 2010 (Revised May 2011). The Facility Inspection Plan is contained in Appendix B-6 of this Approval. US Ecology shall also document actions taken to address any deficiencies identified during the inspections [40 C.F.R. § 761.75(c)(3)(ii)].

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

1. US Ecology shall notify U.S. EPA in writing at least 60 days prior to the date it expects to begin closure of any of the landfill units [40 C.F.R. § 761.75(c)(3)(ii)].
2. US Ecology 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. US Ecology shall conduct final closure activities for Trench 11 and/or Trench 12 in accordance with the Closure Plan, US Ecology Nevada, September 2010 contained in Appendix B-7 of this Approval. The September 2010 Closure Plan is the most current version available at the time of issuance of this Approval [40 C.F.R. § 761.75(c)(3)(ii)].
4. US Ecology shall submit to U.S. EPA a revised Closure Plan reflecting current operating conditions at the Facility at least 180 days prior to the anticipated beginning of closure activities. The revised Closure Plan must undergo the



Approval modification process described in Subsection VIII.A prior to implementation. The Trench 11 closure is exempt from this requirement if closure activities begin within 180 days of the effective date of this Approval [40 C.F.R. § 761.75(c)(3)(ii)].

5. US Ecology may petition U.S. EPA to forgo submittal of a revised Closure Plan as required by this Condition. If US Ecology intends to submit a petition, it shall be submitted to U.S. EPA at least 180 days prior to the anticipated beginning of closure activities. To be successful, US Ecology and/or the State of Nevada must demonstrate to U.S. EPA's satisfaction that there have not been significant changes to operating conditions at the Facility that would warrant revisions to the Closure Plan. U.S. EPA must approve the petition in writing prior to implementation of the Closure Plan. If U.S. EPA denies the petition, US Ecology shall comply with the requirement of Condition VII.I.4 [40 C.F.R. § 761.75(c)(3)(ii)]
6. Notwithstanding the requirements set forth in Condition VII. I.4 above, US Ecology 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, or facility design that affect the Closure Plan;
  - b. There is a change in the expected date of closure, if applicable;
  - c. In conducting closure activities, unexpected events require a modification of the Closure Plan; or
  - d. Changes to the regulations that affect the Closure Plan.
7. To the extent US Ecology is unable or unwilling to perform any of the closure activities specified in this subsection, the State of Nevada as site Owner and co-permittee, upon written notification from U.S. EPA, shall conduct such closure activities in accordance with the requirements of this Approval [40 C.F.R. § 761.65(d)(4)(iv), 40 C.F.R. § 761.75(c)(3)(ii)].

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

1. US Ecology shall conduct post-closure care for the Trench 11 and Trench 12 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 of Trench 12 [40 C.F.R. § 761.75(c)(3)(ii)].
2. US Ecology shall, after the final closure is certified complete, follow the procedures in the Post-Closure Care Plan, US Ecology Nevada, September 2010 contained in Appendix B-8 of this Approval [40 C.F.R. § 761.75(c)(3)(ii)].
3. US Ecology shall monitor and sample the groundwater throughout the post-closure care period following the procedures specified Subsection VII.F of this Approval [40 C.F.R. § 761.75(c)(3)(ii)].
4. US Ecology 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. US Ecology shall inspect and maintain the groundwater monitoring system and leachate collection system throughout the post-closure care period [40 C.F.R. § 761.75(c)(3)(ii)].
6. US Ecology 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)].
7. US Ecology 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)].
8. US Ecology 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)].

9. At least eighteen months prior to the end of the most recent post-closure care period, US Ecology 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. US Ecology 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, US Ecology will not be required to submit a new Approval modification request. US Ecology 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, US Ecology 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)].
10. To the extent US Ecology is unable or unwilling to perform any of the post-closure care activities specified in this subsection, the State of Nevada as site Owner and co-permittee, upon written notification from U.S. EPA, shall conduct such post-closure care activities in accordance with the requirements of this Approval [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 US Ecology for an Approval modification, revocation or termination, or the notification of planned changes or anticipated noncompliance on the part of US Ecology, 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 U.S. Ecology as necessary. U.S. EPA must follow the applicable procedures set forth in Condition VIII.A.2.c-d when modifying the Approval for cause.

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 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 changed by statute, 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 US Ecology has little or no control and for which there is no reasonably available remedy.

2. Modifications to this Approval Requested by US Ecology

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

b. Class 1 Approval Modification Procedures

- (1) Except as provided in Condition VIII.A.2.b(2), US Ecology may put into effect Class 1 modifications listed in Appendix A of this Approval under the following conditions:
  - (a) US Ecology 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;

- (b) US Ecology 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
  - (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 must inform US Ecology 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, US Ecology 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, US Ecology may elect to follow the procedures for Class 2 modifications instead of the Class 1 procedures. US Ecology must inform U.S. EPA of this decision in the notice required in Condition VIII.A.2.b(1)(a).
- c. Class 2 Approval Modification Procedures
- (1) For Class 2 modifications, listed in Appendix A of this Approval, US Ecology 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.

- (2) US Ecology 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 US Ecology 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;
  - (c) Name and telephone number of US Ecology'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) US Ecology 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) US Ecology 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 held to the extent practicable in the vicinity of the Facility.
- (5) The public shall be provided 60 days to comment on the modification request. The comment period will begin on the date US Ecology 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 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:
    - (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 US Ecology that U.S. EPA will decide on the request within the next 30 days.
- (7) If U.S. EPA notifies US Ecology 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:
    - (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.
- (8) If U.S. EPA fails to make one of the decisions specified in Condition VIII.A.2.c(7) by the 120th day after receipt of the notice of modification request, US Ecology 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 VIII.A.2.c(6)(d),

VIII.A.2.c(7)(d) and VIII.A.2.c(8), such action cancels the temporary or automatic authorization.

- (a) In the case of an automatic authorization under Condition VIII.A.2.c(8), or a temporary authorization under Conditions VIII.A.2.c(6)(d) or VIII.A.2.c(7)(d), 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, US Ecology 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:
    - (i) US Ecology has been authorized temporarily to conduct the activities described in the Approval modification request, and
    - (ii) Unless U.S. EPA acts to give final approval or denial of the request by the end of the authorization period, US Ecology will receive authorization to conduct such activities for the life of the Approval.
  - (b) If US Ecology fails to notify the public by the date specified in Condition VIII.A.2.c(8)(a), the effective date of the permanent authorization will be deferred until 50 days after US Ecology notifies the public.
- (9) Except as provided in Condition VIII.A.2.c(11), 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, US Ecology is authorized to conduct the activities described in the Approval modification request for the life of the Approval unless modified later using these procedures. The activities authorized under this Condition 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.
- (10) 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.

- (11) With the written consent of US Ecology, 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.
- (12) U.S. EPA may deny or change the terms of a Class 2 Approval modification request under Conditions VIII.A.2.c(6) through c(8) 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.
- (13) US Ecology 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 US Ecology in writing before day 120.

d. Class 3 Approval Modification Procedures

- (1) For Class 3 modifications listed in Appendix A of this Approval, US Ecology 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.
- (2) US Ecology 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 US Ecology 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;
  - (c) Name and telephone number of US Ecology'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) US Ecology 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) US Ecology 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 held to the extent practicable in the vicinity of the Facility.
  - (5) The public shall be provided 60 days to comment on the modification request. The comment period will begin on the date US Ecology 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 and respond to all comments received during the 60-day comment period and will either grant or deny the Approval modification request.

e. Other Modifications

- (1) In the case of modifications not explicitly listed in Appendix A of this Approval, US Ecology 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 US Ecology 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 US Ecology to respond in a timely manner to:
    - (i) Common variations in the types and quantities of the wastes managed under the Facility 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 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, US Ecology 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 the financial assurance for closure and post-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 US Ecology in the Approval application or Approval issuance process to disclose fully all relevant facts, or US Ecology'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 waste management process is being operated in a manner which may result in an unreasonable risk to human health and the environment.
2. U.S. EPA shall provide 30-day notice to US Ecology of the condition(s) warranting the proposed termination or suspension. U.S. EPA will not terminate or suspend the Approval if US Ecology can sufficiently demonstrate within the 30-day period to U.S. EPA's satisfaction that it has eliminated or corrected the condition(s) warranting the termination or suspension. See 5 U.S.C. § 558(c).

**D. Continuation**

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

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

1. US Ecology 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 US Ecology intends to close the Facility, the Closure Plan included as part of this Approval in Appendix B-7 shall be revised to reflect current operating conditions at the Facility. The revised Closure Plan must undergo the Approval modification process described in Subsection VIII.A prior to implementation.

### **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 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 the US Ecology hazardous waste management facility located near Beatty, Nevada.
6. "Facility Mailing List" means the list 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 US Ecology 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 Beatty, Nevada. Information sent to the library should be directed to the reference desk.
10. "mg/L" means milligrams per liter or parts per million.
11. "Mil" means one thousandth of an inch.

12. "NDEP" means the Nevada Division of Environmental Protection.
13. "Operator" means US Ecology Nevada.
14. "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.
15. "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.
16. "PPM" means parts per million or milligrams per kilogram.
17. "State RCRA Permit" means the NDEP permit issued to US Ecology for management of hazardous wastes.
18. "TSCA" means Toxic Substances Control Act, 15 USC 2601 *et seq.* as implemented by 40 C.F.R. Part 761.
19. "U.S. EPA" means the United States Environmental Protection Agency, Region 9 Office.
20. "Waste Management Units" means the following units at the US Ecology Nevada Facility that manage PCB wastes: PCB Storage and Processing Building, PCB Tank Farm, PCB Tank Truck Loading Pad (to be constructed), Stabilization Tanks 4 and 5 ("Treatment Pans"), Evaporation Tank, Trench 11 Landfill, and Trench 12 Landfill.

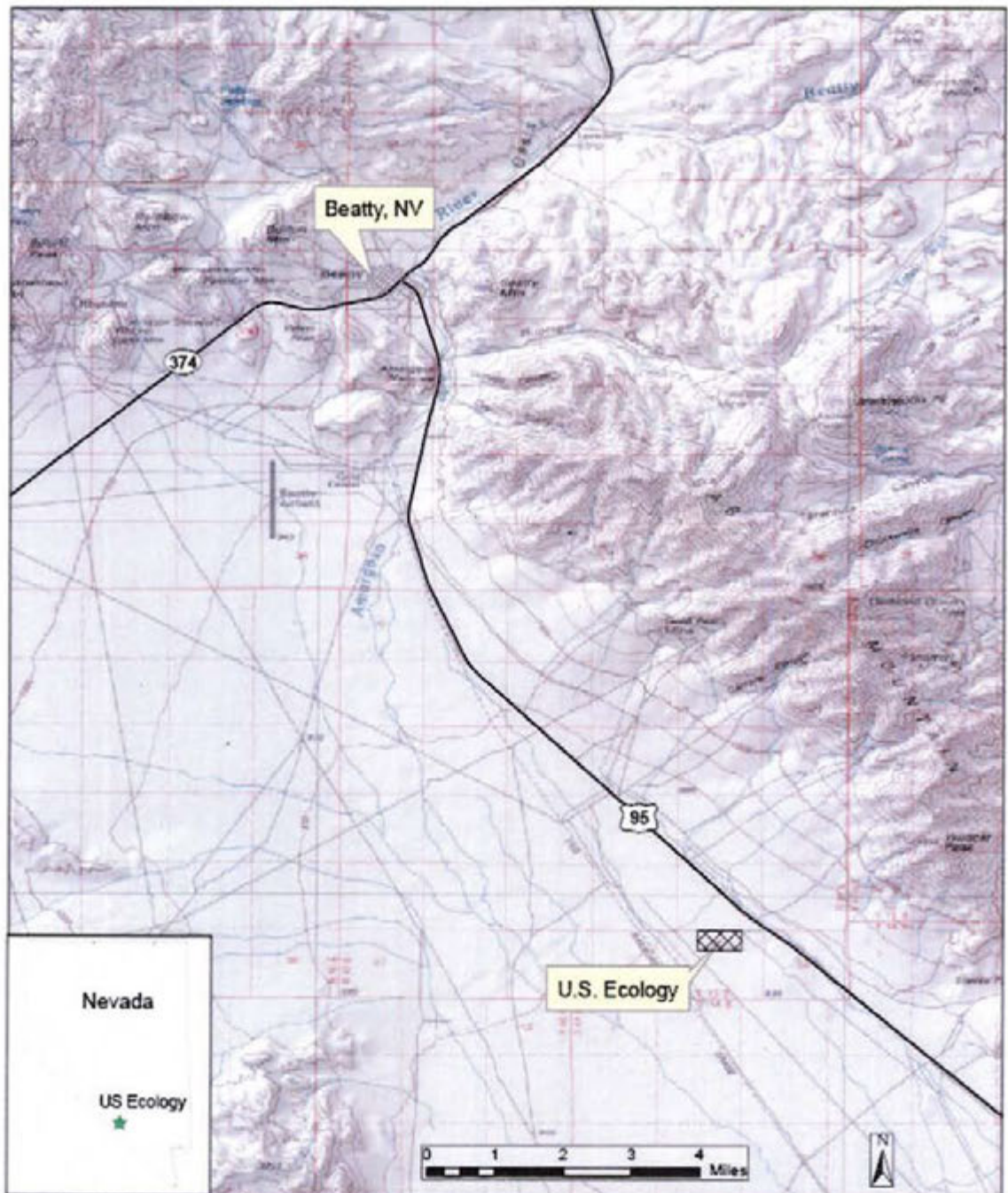


Figure 1. Site Location Map, US Ecology Nevada 7.5' topographic map (Carrara Canyon Quadrangle)

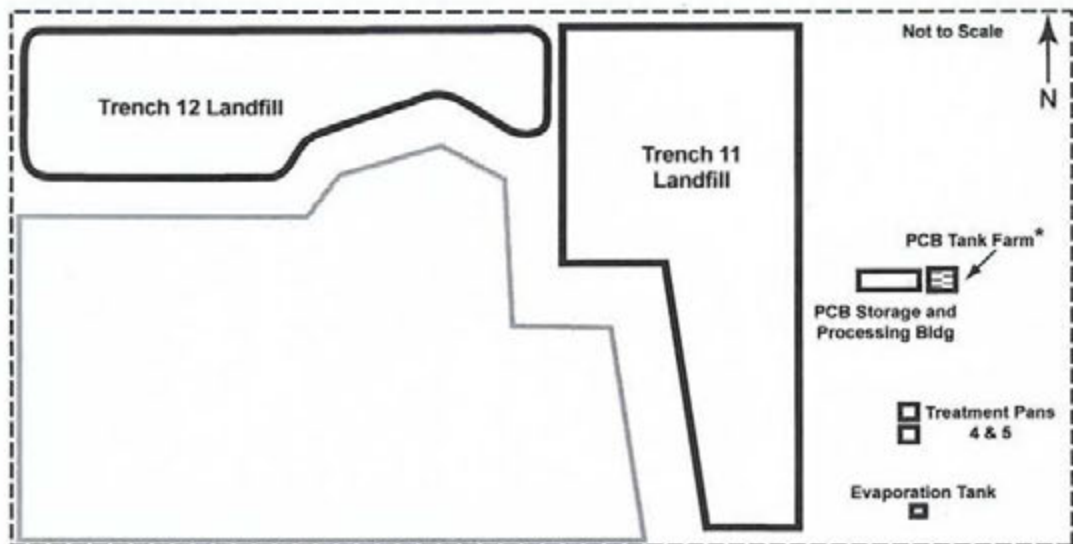


Figure 2. Map of Units Approved for PCB Waste Management, US Ecology Nevada  
 \* Approximate Location of future PCB Tank Truck Loading Pad

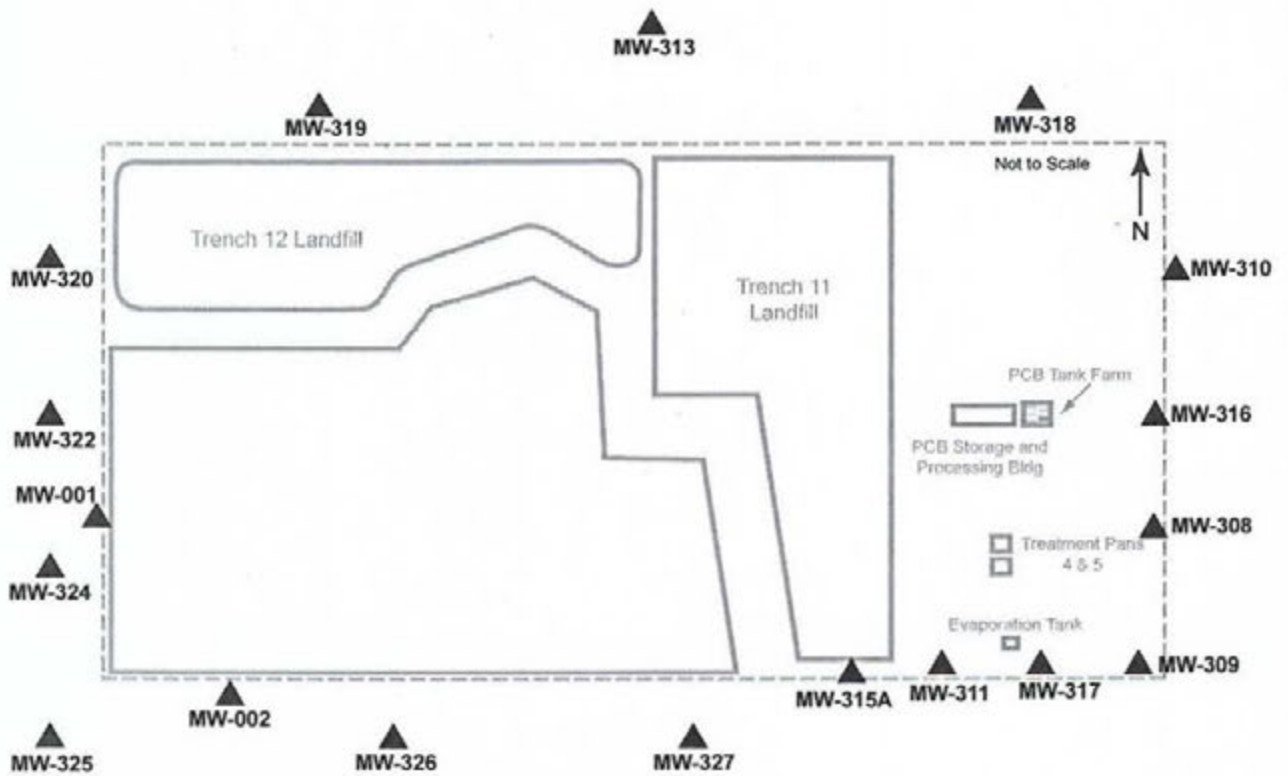


Figure 3. Groundwater Monitoring Wells, US Ecology Nevada