



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 6
1201 ELM STREET, SUITE 500
DALLAS, TEXAS 75270

November 22, 2022

David DeSha
Sr. Compliance Manager
Clean Harbors La Porte, LLC
500 Independence Parkway South
La Porte, Texas 77571

RE: The United States Environmental Protection Agency (EPA) Region 6 Approval of Clean Harbors, La Porte, TX Polychlorinated Biphenyl (PCB) Storage Permit EPA ID No. TXD982290140

Dear Mr. DeSha:

This letter and the enclosed Conditions of Approval grants approval to Clean Harbors La Porte, LLC ("Clean Harbors") to receive and store PCBs for up to one year at its facility in La Porte, Texas. A Public Notice was published in both the Bay Area Observer and the El Perico Spanish Newspaper announcing the proposed approval which opened a 45-day comment period during which requests could be made for a Public Hearing. No comments were received during the comment period which closed on November 17, 2022.

Violation of 40 CFR Part 761, or any of the enclosed Conditions of Approval may subject Clean Harbors to enforcement action under the Toxic Substances Control Act (TSCA) and/or other applicable laws and regulations. Such action could result in a termination, revocation, or modification of the approval. This approval becomes effective on the date of this letter and expires at midnight, the same day and month, five years later.

If you have questions, please contact Dale Thrush at (214) 665-9799.

Sincerely,

11/22/2022

X Ronald D. Crossland

Ronald D. Crossland

Signed by: RONALD CROSSLAND

Director
Land, Chemicals and Redevelopment Division

Enclosure

cc: Gulay Aki, TCEQ

**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 6
1201 Elm St. Suite: 500
Dallas, TX 75270**

In The Matter Of:)
)
Clean Harbors La Porte, LLC)
500 Independence Pkwy S) Approval to Commercially
La Porte, TX, 77571) Store Polychlorinated Biphenyl Waste
EPA ID # TXD982290140)

AUTHORITY

This Approval to commercially store Polychlorinated Biphenyls (“PCB”) waste is issued pursuant to Section 6(e)(1) of the Toxic Substances Control Act (“TSCA”), 15 U.S.C. § 2605(e)(1), and 40 Code of Federal Regulations (“CFR”) Part 761, “Polychlorinated Biphenyls (PCBs) Manufacturing, Processing, Distribution in Commerce, and Use Prohibitions”.

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BACKGROUND

Clean Harbors La Porte, LLC owns and/or operates a facility located at 500 Independence Pkwy S, La Porte, Texas, at which it functions as a commercial storer of PCB waste (as defined in 40 CFR § 761.3) engaged in storage activities requiring EPA approval.

Clean Harbors La Porte, LLC submitted an initial application to commercially store PCB waste, which EPA approved, and most recently renewed on March 27, 2018. On January 17, 2022, Clean Harbors La Porte, LLC applied for renewal of its PCB waste commercial storage approval. The renewal application submitted on January 17, 2022 is the subject document reviewed for the issuance of this Approval.

APPLICABLE REGULATIONS

This Approval incorporates, and is issued in accordance with, applicable requirements of the PCB Regulations at 40 CFR Part 761. The rules applicable to the storage for disposal of PCBs at concentrations of 50 ppm or greater and PCB Items with PCB concentrations of 50 ppm or greater are codified at 40 CFR § 761.65, “Storage for disposal.” The PCB Regulations require,

among other things, that commercial storers of PCB waste, storing certain TSCA-regulated PCB-containing material, obtain a written approval issued by the Regional Administrator for the region in which the storage facility is located.

FINDINGS

Upon review of the Clean Harbors La Porte, LLC Application, EPA has determined that the criteria for approval to engage in the commercial storage of PCB waste set forth in 40 CFR § 761.65(d) have been met. Specifically, the Application demonstrates that Clean Harbors La Porte, LLC's storage facility, storage capacity, employee qualifications, closure plan, and financial assurance for closure satisfy applicable requirements and that operation of the storage facility, when conducted in accordance with the conditions of this Approval and all applicable provisions of the PCB regulations, will not pose an unreasonable risk of injury to health or the environment.

EFFECTIVE DATE

This Approval shall become effective upon signature and shall expire five (5) years from such date, unless suspended, revoked or terminated, or administratively continued, in accordance with the conditions of this Approval, or unless otherwise authorized under applicable law.

DEFINITIONS

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

“Approval” means the content of this document, the conditions within, and any subsequent EPA-approved written modifications thereto.

“Application” and “Clean Harbors La Porte, LLC Application” mean all data and materials upon which EPA based its decision to approve Clean Harbors La Porte, LLC's request for approval to commercially store PCBs and PCB Items, e.g. information submitted to EPA by Clean Harbors La Porte, LLC to define, represent, or describe Clean Harbors La Porte, LLC's commercial storage operations. This includes Clean Harbors La Porte, LLC's January 17, 2022 renewal application and any subsequent Clean Harbors La Porte, LLC application that EPA approves in writing as a modification to this Approval.

“CFR” means the Code of Federal Regulations.

“Day” means a calendar day, unless otherwise specified.

“Delegate” means the Acting Regional Administrator for EPA's South Central Region.

“Director of PCB Unit” Mr. Harry Shah, the Section Chief of the PCB Unit within Region 6, U.S. EPA Dallas, TX. Phone Number: 214-665-6457. Mailing Address: US

EPA Region 6, 1201 Elm Street, Suite 500, Dallas, TX 75270. Email Address: Shah.Harry@epa.gov.

“Electrical equipment” means site-specific equipment identified in Clean Harbors La Porte, LLC’s closure plan for the storage facility.

"EPA" means the United States Environmental Protection Agency, Region 6.

“Clean Harbors La Porte Facility” and “Facility” mean all contiguous land and improvements on the land and all structures and other appurtenances of the PCB waste commercial storage facility located at 500 Independence Pkwy S, La Porte, TX.

“Footprint” means the area of the storage area floor space taken up by electrical equipment or PCB capacitors.

“Major modification” means any change which will affect overall Facility performance or environmental impact, including but not limited to changes to increase storage areas, the maximum PCB storage inventory, the closure plan, closure cost estimates (except as required for inflation adjustment), and the financial assurance for closure.

“Minor modification” means any change which will not affect overall Facility performance or environmental impact including but not limited to an administrative or informational change, and correction to typographical errors.

“Non-PCB Items” are those items which are known to contain or have been determined to contain < 50 ppm PCB.

“PCB” means polychlorinated biphenyl(s).

“PCB Regulations” are the regulations at 40 CFR part 761.

“Regional Administrator” means the Regional Administrator, Region 6.

“Spill” has the same meaning as defined in EPA's PCB Spill Cleanup Policy in 40 CFR § 761.123.

“SPCC Plan” is the Spill Prevention Control and Countermeasure Plan prepared in accordance with 40 CFR part 112.

“Storage area” or “PCB storage area” means any storage area listed in condition B.1(a).

CONDITIONS OF APPROVAL

A. General Conditions

1. Approval Compliance

(a) Clean Harbors La Porte, LLC must operate its Facility in compliance with the conditions of this Approval and consistent with the information included in Clean Harbors La Porte, LLC Application. Noncompliance with any provision of the Clean Harbors La Porte, LLC Application and/or any condition of this Approval shall be deemed a violation of this Approval and may subject Clean Harbors La Porte, LLC to civil or criminal enforcement action and associated penalties.

(b) This Approval supersedes all previous Approvals for the commercial storage of PCB waste at the Facility issued by EPA to Clean Harbors La Porte, LLC.

(c) Clean Harbors La Porte, LLC must comply and operate the Facility in accordance with Section 6(e) of TSCA, 15 U.S.C § 2605(e), and the PCB Regulations, including the requirements of the “PCB Spill Cleanup Policy” codified at 40 CFR Part 761, Subpart G.

(d) This Approval is based on the facts, representations, and certifications made by Clean Harbors La Porte, LLC in its Application. In the event that the conditions of this Approval are inconsistent with the provisions of, or information contained in the Clean Harbors La Porte, LLC Application or supporting documentation, Clean Harbors La Porte, LLC must comply with the conditions of this Approval.

(e) Clean Harbors La Porte, LLC is liable for the actions of its employees, agents, contractors, and subcontractors in the operation of the Facility.

(f) Failure to comply with any of the Approval conditions shall constitute a violation of the requirement in 40 CFR § 761.50(a) to store or dispose of PCB waste in accordance with 40 CFR Part 761, Subpart D. A violation of the PCB Regulations is a prohibited act under Section 15 of TSCA.

(g) Compliance with this Approval does not relieve Clean Harbors La Porte, LLC of the responsibility to comply with all other applicable federal, state, and local laws and regulations, including the PCB Regulations. Clean Harbors La Porte, LLC should not rely solely on this Approval for all requirements related to PCBs or the storage of PCB waste.

2. Duty to Report Noncompliance

(a) If at any time Clean Harbors La Porte, LLC becomes aware that it is operating the Facility in a manner that is not in compliance with this Approval or other applicable provisions of the PCB Regulations, Clean Harbors La Porte, LLC shall notify the Director of PCB Unit within 24 hours and shall submit a written report to the Director of PCB Unit describing the noncompliance within fifteen (15) calendar days. Notice shall be provided to the address as provided in Condition H.10 of this Approval

3. EPA Modification, Suspension, Revocation and Termination of Approval

- (a) EPA reserves the right to modify, suspend, revoke, or terminate this Approval:
- (i) If Clean Harbors La Porte, LLC fails to operate the Facility in compliance with this Approval;
 - (ii) If there is reason to believe that continued operation of the Facility presents an unreasonable risk of injury to health or the environment, or if new regulations or standards promulgated by EPA become applicable rendering such modification, suspension, revocation, or termination appropriate. Upon request, Clean Harbors La Porte, LLC shall provide information EPA deems necessary to determine whether cause exists for modification, suspension, revocation or termination of this Approval. Clean Harbors La Porte, LLC shall provide such information within the time frame specified in EPA's request, or if no time frame is specified, within fifteen (15) calendar days of EPA's request unless impracticable.
 - (iii) Upon discovering misrepresentation(s) or omission(s) of material fact(s) in the Clean Harbors La Porte, LLC Application; or
 - (iv) For material environmental civil violations committed by or criminal convictions of Clean Harbors La Porte, LLC, its principles or key employees.
- (b) EPA's right to modify, suspend, revoke, or terminate this Approval does not in any way preclude its right to commence appropriate enforcement action under any or all applicable statutes and regulations. EPA reserves any rights and remedies available to it under TSCA, the PCB Regulations, and any other Federal laws or regulations for which EPA has jurisdiction, to enforce the provisions of this Approval.

4. Application and Approval Modifications

- (a) Clean Harbors La Porte, LLC must submit an application and receive written EPA approval for any modification to the Clean Harbors La Porte, LLC Application or to this Approval. Clean Harbors La Porte, LLC must not implement any such modifications until it receives written EPA consent.
- (b) Minor modifications to the Clean Harbors La Porte, LLC Application or to this Approval shall be submitted to Director of PCB Unit and shall be implemented only after receipt of written consent.
- (c) Major modifications to the Clean Harbors La Porte, LLC Application or to this Approval shall be submitted to the Director of the Land, Chemical, and Redevelopment Division and shall be implemented only after receipt of written consent.

5. Approval Expiration/Renewal

- (a) This Approval shall expire 5 years from the date of issuance of this Approval. This Approval and its conditions herein will remain in effect beyond the Approval

expiration date if a complete renewal application is received within the time period specified in condition A.5(b) and EPA has determined in writing that the application is complete.

(b) To continue the commercial storage of PCBs and PCB Items granted by this Approval after the expiration date of this Approval, Clean Harbors La Porte, LLC shall submit a complete renewal application at least 365 calendar days prior to the expiration date of this Approval. A complete renewal application must contain, at a minimum, information listed in 40 CFR § 761.65(d)(3). A complete renewal application is considered to be information submitted in the most recently approved application, with appropriate modifications or updates based on proposed revisions to the original approval, which may include design and operation changes, updated safety protocols, and revised operating and testing procedures. The EPA may require Clean Harbors La Porte, LLC to submit additional information to support the renewal of this Approval. If Clean Harbors La Porte, LLC submits this information to EPA at least 365 days prior to the expiration date of this approval, and EPA has determined in writing that the application is complete, this approval continues in force (i.e., does not expire) until EPA issues an approval renewal, a conditional approval renewal, or an approval request denial.

(c) If Clean Harbors La Porte, LLC does not submit a complete renewal application at least 365 days prior to the expiration date of this Approval, this Approval will expire as specified in condition A.5(a). Failure to submit a renewal application as described in condition A.5(b) will be treated as evidence of Clean Harbors La Porte, LLC's intent to close.

6. Entry and Inspection

(a) Clean Harbors La Porte, LLC shall allow, at reasonable times, EPA authorized representative(s) to conduct inspections for the purpose of determining compliance with this Approval. Such inspection activities may include, but are not limited to, permitting EPA authorized representative(s) to:

- (i) conduct interviews;
- (ii) inspect and/or collect copies of records and monitoring data;
- (iii) take sample(s); and
- (iv) inspect, observe and document Clean Harbors La Porte, LLC's activities, equipment, work practices, operations and processes.

7. Change in Ownership or Operational Control

(a) Clean Harbors La Porte, LLC shall notify the Director of the Land, Chemical, and Redevelopment Division in writing at least ninety (90) days before it intends to transfer ownership or operational control of the Facility. This notification shall include the name, address, and telephone number of the intended transferee. A copy of this notification shall be sent to the Director of PCB Unit. Along with such notification, Clean Harbors La

Porte, LLC shall submit an application to modify the Clean Harbors La Porte, LLC Application providing the information required in all applicable provisions of 40 CFR § 761.65(d)(3), along with a notarized affidavit signed by the intended transferee stating that it will abide by all conditions of the Application, including the proposed modifications submitted in connection with the intended transfer of ownership or operation.

(b) After receiving Clean Harbors La Porte, LLC's notification and application to modify the Application, the intended transferee's affidavit, evidence that the intended transferee has established financial assurance for closure pursuant to 40 CFR § 761.65(g) (if applicable), and other documents EPA may require under 40 CFR § 761.65(j)(2), EPA may either:

(i) Modify the approval to substitute the transferee's name for Clean Harbors La Porte, LLC and make other conforming minor modifications, or

(ii) Require the intended transferee to submit a new application and/or apply for a new approval.

(c) The intended transferee shall not operate the Facility until the Director of the Land, Chemical, and Redevelopment Division issues an approval in the transferee's name.

(d) Clean Harbors La Porte, LLC must maintain its financial assurance for closure for the Facility until the intended transferee has established financial assurance for closure of the Facility pursuant to 40 CFR § 761.65(g) and EPA issues an approval in the transferee's name.

(e) EPA may revoke, suspend, and/or modify this Approval or the transferee's new approval if, following a change in ownership or operational control at the Facility, there is a change in the Facility's operations and EPA finds that this Approval or the transferee's new approval will not prevent unreasonable risk of injury to health or the environment.

8. Transformers and Other Electrical Equipment

If the PCB concentration of any transformer, or dielectric fluid within any transformer, received by Clean Harbors La Porte, LLC is not known at the time of receipt, Clean Harbors La Porte, LLC must treat the transformer as a PCB Transformer, (dielectric fluid is 500 ppm or greater PCBs) until testing proves otherwise.

9. Bankruptcy. Clean Harbors La Porte, LLC must notify EPA within thirty (30) days of filing for bankruptcy so that EPA may ensure compliance with the requirements of this Approval, including the maintenance of adequate financial assurance, and ensure that ongoing Facility operations will not pose unreasonable risk of injury to health or the environment.

10. Change in Flood Plain Designation. Clean Harbors La Porte, LLC must submit a written notification to the Director of the PCB Unit immediately upon its receipt of notice of the redesignation of the Facility within a 100-year flood plain. EPA may modify, suspend, revoke, or terminate this Approval if EPA determines that the change in flood plain designation, or any change in Facility operations resulting from or associated with such change in flood plain designation, may pose unreasonable risk of injury to health or the environment.

11. Severability. If any part or condition of this Approval is found to be invalid by any court of competent jurisdiction, all of the other provisions of this Approval shall remain in full force and effect.

B. PCB Storage Management

1. PCB Storage Areas

(a) Clean Harbors La Porte, LLC's approved PCB storage areas are described below and are depicted in Attachments 1 and 2. These PCB storage areas shall be maintained in compliance with 40 CFR § 761.65 and the Clean Harbors La Porte, LLC Application.

(i) Warehouse III, PCB Storage Cell: 38 feet long by 31 feet wide by 6.5 inches high

See Attachment 1 for a site plan and Attachment 2 for a Warehouse III drawing. PCB items are unloaded from transport vehicles at the Warehouse III dock. Containers of PCB wastes are visually inspected for proper integrity to include proper packaging, labeling with out-of-service date, and evidence of any leaks. Shipping papers are checked for accuracy relative to proper shipping description, quantity of PCB wastes indicated, proper unit of measure, out-of-service date, etc. If determined correct, containers of PCB wastes are placed in the PCB Storage Cell for temporary storage. Any leaks are properly remediated/cleaned-up and labeling/shipping paper errors are corrected, and the containers are placed in the PCB Storage Cell. Within 1 year of the out-of-service date for PCB waste containers and allowing for enough time for transportation and proper disposal to occur by the allowed time for such disposal, the containers are removed from the PCB Storage Cell, loaded on transportation vehicles, and shipped offsite for proper disposal.

(b) Storage of PCBs or PCB Items in an area other than the approved storage areas described above shall be deemed a violation of this Approval.

C. Maximum Storage Capacities

1. Maximum Storage Capacities for PCBs and PCB Items

(a) The maximum storage capacity ("MSC") and the categories of PCBs and PCB Items permitted to be stored at any time in each approved storage area are specified below. Clean Harbors La Porte, LLC's ability to store PCBs and PCB Items at the Facility is limited to the categories and quantities specified below for each PCB storage area.

Clean Harbors La Porte, LLC shall not accept or store any PCBs or PCB Items which have not been described below or quantities in excess of those listed below, unless otherwise approved by EPA in writing on a case-by-case basis.

- (i) Warehouse III, PCB Storage Cell: Filled drums holding up to 10,780 gallons of liquid (≥ 50 but < 500 ppm PCB and > 500 ppm PCB) and/or other PCB items in up to 196 55-gallon drums, or its equivalent, not to exceed a total of 10,780 gallons, or exceed a total Footprint of 1,178 square feet. Clean Harbors La Porte, LLC shall not substitute capacity of one of the PCB or PCB Item categories described above to prevent exceedance of the MSC in another PCB or PCB Item category.

2. Maximum Storage Capacities for Non PCBs and Non PCB Items

(a) In order to assure adequate capacity for the storage of PCBs, storage of non PCBs and non PCB Items, as identified in the Clean Harbors La Porte, LLC Application, shall be limited to:

- (i) Warehouse I: 202' x 109'
- (ii) Warehouse II: 189' x 76'

3. Storage Requirements for PCBs and PCB Items

(a) Intact and non-leaking PCB Equipment and other PCB Articles, whether drained or filled, shall be stored free-standing or in PCB Article Containers.

(b) Partially or fully disassembled drained PCB-containing electrical equipment and other PCB Articles shall be stored free-standing, or in PCB Containers.

(c) Leaking PCB Articles and PCB Equipment shall be stored in PCB Containers.

(d) Liquid PCBs shall be stored in PCB Containers, dedicated stationary storage containers (tanks), or intact and non-leaking PCB Articles.

(e) Non-liquid PCBs shall be stored in PCB Containers.

4. PCB Waste Storage Container Requirements

(a) Stationary storage containers (tanks) used to store organic solvents containing ≥ 2 ppm PCBs and PCB liquids containing ≥ 50 ppm PCBs shall comply with the requirements of 40 CFR § 761.65(c)(7).

(b) Containers used to store liquid or non-liquid PCB waste shall comply with the requirements of 40 CFR § 761.65(c)(6).

(c) Clean Harbors La Porte, LLC's use of a PCB waste storage container that does not comply with any of the requirements described above shall be deemed a violation of this Approval.

5. PCB Storage, Marking and Labeling

(a) Clean Harbors La Porte, LLC shall label all PCB Containers, PCB storage areas, and any PCB Item subject to marking requirements under 40 CFR § 761.40 with the ML label defined in 40 CFR § 761.45.

(b) Clean Harbors La Porte, LLC shall place a label on all PCB Items with the date of removal from service for disposal. Storage shall be managed so that PCB Items can be located by this date. Stationary storage containers for liquid PCBs shall have a record that includes, for each batch of PCBs, the quantity of the batch and date the batch was added to the container. The record shall also include the date, quantity, and disposition of any batch of PCBs removed from the container.

(c) Clean Harbors La Porte, LLC shall dispose of all PCBs and PCB Items within one (1) year after they are taken out of service. If additional time is required for disposal, Clean Harbors La Porte, LLC shall comply with the requirements of 40 CFR § 761.65(a)(2) and (3).

6. Storage Requirements for PCBs and PCB Items

(a) Drums containing PCBs and PCB Items shall not be stacked in a manner that could result in a spill outside the storage areas. Drums shall not be stacked more than two (2) drums high.

(b) A minimum aisle width of two (2) feet, must be maintained to allow for unobstructed access to all PCBs and PCB Items stored on-site by personnel, fire protection equipment, and decontamination equipment.

(c) Clean Harbors La Porte, LLC may store PCBs and PCB Items in a manner that allows maximum use of space. However, PCBs and PCB Items must be stored in a manner that presents no unreasonable risk of injury to health and the environment and that does not impede routine inspections carried out by Clean Harbors La Porte, LLC as required by this Approval. During inspections conducted by EPA authorized representative(s), Clean Harbors La Porte, LLC shall move items as requested by the inspector(s) to allow the inspector(s) full access to the Facility and stored PCBs and PCB Items.

(d) Access to the PCB storage areas shall be restricted to workers that have completed training in accordance with condition E.4. and that are listed on the signature sheet described in condition H.4(e), except that workers that are working for or on behalf of Clean Harbors La Porte, LLC as of the effective date of this Approval that have been trained under previous versions of the Clean Harbors La Porte, LLC training manual shall be allowed access to the PCB storage areas for up to sixty (60) days after the effective date of this Approval in order to complete the training described in condition E.4.

(e) Clean Harbors La Porte, LLC must document the PCB content of all incoming inventory to establish compliance with the conditions of this Approval at all times.

Sampling and analytical methods must comply with applicable provisions of the PCB Regulation.

(f) If any PCB Container, PCB Article, PCB Article Container, or PCB Equipment is leaking, Clean Harbors La Porte, LLC shall immediately transfer the PCB Container, PCB Article, PCB Article Container, or PCB Equipment and the PCB waste therein to a properly marked, non-leaking container. Any spilled or leaked materials shall immediately be cleaned up and the materials containing PCBs shall be disposed of in accordance with applicable provisions of the PCB Regulation and Condition F.4.

(g) No item of movable equipment that is used for handling PCBs and PCB Items in the storage areas and that comes in direct contact with PCBs shall be removed from the storage area unless it has been decontaminated as specified in 40 CFR § 761.79.

(h) PCB Containers must always be closed during storage, except when adding and removing their contents, and must not be opened, handled or stored in a manner which may cause damage or leaks.

7. Storage Area Inspection Requirements

(a) PCBs and PCB Items in storage shall be checked for leaks and spills on a daily basis. Clean Harbors La Porte, LLC need not document the daily inspections; however, any spills discovered during these routine inspections shall be cleaned up expeditiously, as specified in condition B.7(c) and reported if required by condition F.3. Records of cleanup and disposal must be maintained in accordance with condition H.4(c).

(b) At least once every thirty (30) days, as required by §761.65(c)(5), Clean Harbors La Porte, LLC shall conduct a thorough inspection of each PCB storage area at the Facility. The following elements shall be included in the 30-day inspections:

- (i) PCBs and PCB Items in storage shall be checked for leaks and spills;
- (ii) The PCB Containers, PCB Article Containers, PCB Equipment, and stationary storage containers (tanks), and ancillary equipment (valves, pipelines, etc.) shall be checked for leaks;
- (iii) The condition of PCB liquid and spent solvent storage tank shells, tank supports, and tank area curbing shall be checked for cracks, leaks or deterioration;
- (iv) Tank vents, high liquid level alarm systems and liquid level indicators shall be checked to make sure they are operating properly;
- (v) The condition of the floor, joints and curbing in the PCB storage area shall be checked; and
- (vi) Spill response and emergency equipment as described in the Clean Harbors La Porte, LLC SPCC Plan shall be checked and replaced, repaired, or replenished as necessary.

(c) PCBs or PCB Items found leaking shall be transferred to a properly marked non-leaking container. Any spilled or leaked materials shall immediately be cleaned up and the materials containing PCBs shall be disposed of in accordance with applicable provisions of the PCB Regulations and condition F.4.

(d) Any needed repairs or replacements, including those for leaks, cracks, deterioration, or malfunctioning vents, alarms or indicator levels detected during such inspections, shall be made as expeditiously as possible.

D. Facility Operation, Limitation of Exposure and Control of Releases

1. Clean Harbors La Porte, LLC shall maintain and operate the Facility in a manner that prevents fire, explosion, releases of PCBs to the environment, and exposure of workers of PCBs.
2. The Clean Harbors La Porte, LLC Facility must be secured to restrict public access.
3. Disassembly of PCBs and PCB Items shall be conducted within the Facility.
4. Any cutting tool or other device used in processing PCBs and PCB Items must be operated in a manner to prevent heating of the material which may result in the vaporization of PCBs and the subsequent release of PCBs to the environment.

(a) Clean Harbors La Porte, LLC shall not use a cutting torch or other thermal method to cut metal contaminated or coated with PCBs unless the unit being cut is first decontaminated to meet the standard in 40 CFR § 761.79(b)(3)(i); or

(b) Clean Harbors La Porte, LLC shall conduct a demonstration test to prove to EPA's satisfaction that Clean Harbors La Porte, LLC can effectively trap and remove particulate and volatilized PCBs emissions generated from the use of any cutting tool or other device (e.g., torch) used in processing metal surfaces contaminated or coated with PCBs. Any such testing or subsequent operational use of a cutting tool or other device on surfaces contaminated or coated with PCBs requires EPA's prior written approval. Notwithstanding the foregoing, replacement of previously approved tools of the exact make and model shall not require EPA's prior written approval.

E. Worker Protection

1. Clean Harbors La Porte, LLC workers with access to PCB storage area shall wear or use protective clothing or equipment at the Facility to protect against dermal contact with or inhalation of PCBs or material containing PCBs.
2. Clean Harbors La Porte, LLC shall comply with all applicable health and safety standards, as required by federal, state and local regulations and ordinances.
3. Clean Harbors La Porte, LLC shall comply with the safety provisions of the Clean Harbors La Porte, LLC Application.

4. All employees hired subsequent to the date of this Approval must be trained, as specified in Clean Harbors La Porte, LLC's personnel training program and training schedule included in the Application. In addition, Clean Harbors La Porte, LLC must ensure that personnel who are directly involved with handling PCBs and PCB Items are familiar with the requirements of this Approval, and the regulatory requirements under 40 CFR Part 761.
5. All new workers must complete training in accordance with the Clean Harbors La Porte, LLC training manual prior to entering PCB storage areas. In addition to initial training, all workers with access to PCB storage areas must complete annual refresher training in accordance with the current Clean Harbors La Porte, LLC training manual.
6. Except as provided in condition E.7 the PCB concentration of non-porous surface areas located outside of PCB storage areas shall not exceed $10 \mu\text{g}/100 \text{ cm}^2$ and all porous surface located outside of PCB storage areas shall not exceed 1 ppm.
7. The PCB concentration of food handling areas, including any locations where food or drink is prepared, stored or consumed shall not exceed concentration of $1 \mu\text{g}/100 \text{ cm}^2$ for non-porous surfaces and 1 ppm for porous surfaces.
8. Any person entering and leaving the PCB storage area must do so through a clean-in/clean-out station.
9. The PCB concentration of non-porous surface areas located in the clean-in/clean-out station shall not exceed $10 \mu\text{g} /100 \text{ cm}^2$ and all porous surface located in the clean-in/clean-out station shall not exceed 1 ppm.
10. In the event the concentration of PCBs exceeds the levels set forth in conditions E.6, E.7, E.8, or E.9 Clean Harbors La Porte, LLC shall immediately begin decontamination of the affected area in accordance with applicable requirements of the PCB Regulations and this Approval. Clean Harbors La Porte, LLC shall not encapsulate any PCB-containing areas regardless of PCB concentration levels without specific prior written approval from EPA.
11. Clean Harbors La Porte, LLC must report incidences of injury or illness from exposure to PCB to the Director of PCB Unit within twenty-four (24) hours of becoming aware of such injury or illness.

F. PCB Spills and Releases

1. Clean Harbors La Porte, LLC has prepared and submitted a SPCC Plan. Clean Harbors La Porte, LLC shall follow the spill prevention measures outlined in the SPCC Plan and implement applicable control measures specified in the SPCC Plan for qualifying spill events.
2. Spills of PCBs shall be cleaned up in accordance with the requirements of the PCB Spill Cleanup Policy at 40 CFR Part 761, Subpart G or the PCB Regulations, as applicable.
3. Clean Harbors La Porte, LLC shall comply with applicable PCB spill reporting requirements under 40 CFR § 761.125; the Clean Water Act; and the Comprehensive

Environmental Response Compensation and Liability Act. Notification to the EPA Regional Office of any PCB spill or release as required under 40 CFR § 761.125 shall be made to Director of PCB Unit. A written report of the reportable spill incident under 40 CFR § 761.125 must be submitted to Director of PCB Unit within five (5) business days following the incident.

4. Any wastes generated as a result of cleanup of a PCB spill or release or decontamination of any material contaminated by a PCB spill or release shall be disposed of in accordance with 40 CFR § 761.61.

5. Clean Harbors La Porte, LLC shall immediately report to Director of PCB Unit if, as a result of any unauthorized entry or operation at the Facility, PCBs were released. To the extent known, such report shall include a description of the unauthorized entry or operation, the resulting release of PCBs, and any corrective action taken by Clean Harbors La Porte, LLC. Examples of unauthorized entry or operation at the Facility to be reported to EPA include, but are not be limited to, tampering, destruction, or loss at the Facility which caused the release of PCBs.

G. Emergency Provisions

1. Clean Harbors La Porte, LLC shall follow the SPCC Plan included in Clean Harbors La Porte, LLC's application whenever there is a fire, explosion, or release of PCBs or hazardous constituents.

2. Copies of the updated Clean Harbors La Porte, LLC training manual, SPCC Plan, and this Approval shall be maintained and be made available to all workers at the Clean Harbors La Porte, LLC Facility. Lists of emergency contacts, telephone numbers, and emergency exit routes shall be posted in prominent locations throughout the Facility.

3. The Facility shall, at a minimum, be equipped with the following:

(a) an internal communications or alarm system capable of providing immediate emergency notification (voice or signal) to facility personnel;

(b) devices, such as a telephone or a hand-held two-way radio, which are immediately available at the scene of operations, capable of summoning emergency assistance from local police departments, fire departments, and 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.

4. Clean Harbors La Porte, LLC shall test and maintain the equipment specified above in accordance with the manufacturer's recommendations to ensure proper operation in time of emergency. In the event any of the emergency response equipment specified above was

manufactured by Clean Harbors La Porte, LLC, Clean Harbors La Porte, LLC shall establish and follow a testing and maintenance plan for those manufactured items.

5. Whenever PCBs are being poured, mixed, or otherwise handled, Clean Harbors La Porte, LLC shall ensure that all workers 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 worker.

6. At all times, there shall be at least one (1) worker present at the Clean Harbors La Porte, LLC Facility or on call with the responsibility for coordinating all emergency response measures. This worker shall have immediate access to the entire Facility and to a device, such as a telephone or a hand-held two-way radio, immediately available at the scene of operation capable of summoning external emergency assistance. This worker must have the authority to commit the resources needed to carry out contingency measures of this Approval, the Clean Harbors La Porte, LLC Application, or the PCB Regulations, or that are otherwise appropriate.

7. Within thirty (30) calendar days from the initial issuance of this Approval, Clean Harbors La Porte, LLC shall provide a written description of storage activities, stored materials, and emergency procedures, as described in the Clean Harbors La Porte, LLC Application, to local police departments, hospitals, and state and local emergency response teams that may be called upon to provide emergency services and shall provide updates of the written description as necessary.

8. Clean Harbors La Porte, LLC shall review and promptly modify, if necessary, the SPCC Plan whenever:

- (a) such plan fails in an emergency;
- (b) Clean Harbors La Porte, LLC changes the Facility's design, construction, operation, maintenance, or emergency response policies;
- (c) a circumstance arises that materially increases the potential for fires, explosions, or releases of PCBs or hazardous constituents;
- (d) the list of emergency coordinators changes;
- (e) the list of emergency equipment changes;
- (f) a revision is warranted to prevent an unreasonable risk of injury to health and the environment; or
- (g) EPA determines that a revision to such plan is necessary.
- (h) Clean Harbors La Porte, LLC shall submit proposed modifications, whether minor or major, to its SPCC Plan to EPA in the form of a modified application and shall not implement such modifications until it receives written EPA approval.

H. Recordkeeping and Reporting

1. Clean Harbors La Porte, LLC shall comply with all applicable recordkeeping and reporting requirements of the PCB Regulations, including but not limited to, annual records, annual document logs and annual reports as required by § 761.180.
2. Clean Harbors La Porte, LLC shall maintain daily records of storage inventories which are sufficient to determine compliance with the Maximum Storage Capacity (MSC) and related requirements for PCBs and PCB Items specified in condition C.1.
3. Clean Harbors La Porte, LLC shall maintain daily records of storage inventories which are sufficient to determine compliance with the MSC and related requirements for Non PCBs and Non PCB Items specified in condition C.2.
4. Clean Harbors La Porte, LLC must maintain records demonstrating compliance with the requirements of 40 CFR § 761.180(a) and (b) and this Approval:
 - (a) the documentation of PCB content, sampling and analytical testing requirements of condition C.6(e);
 - (b) the inspection requirements of condition C.7(b), which shall be in the form of inspection records;
 - (c) the cleanup and disposal requirements of conditions C.7(a) and (c), F.2, and F.4;
 - (d) the repair requirements of condition C.7(d);
 - (e) the worker training requirements of conditions E.4 and E.5, which shall include the name and title of the individual, the date(s) of the training, and a signature sheet certifying that the signatory completed training in accordance with the Clean Harbors La Porte, LLC training manual on the date specified;
 - (f) the detection of exceedance(s) and decontamination requirements under conditions E.6, E.7, E.8, or E.9;
 - (g) the spill requirements of conditions F.1 and F.2;
 - (h) the reporting requirement of condition F.3, which shall include the items, and certification, if applicable, required under 40 CFR § 761.125;
 - (i) the disposal requirement of condition F.4;
 - (j) the equipment maintenance and testing requirements of condition G.4; and
 - (k) the emergency responder notification requirements of condition G.7; and
- (g) Manifest requirements. Clean Harbors La Porte, LLC shall comply with the following provisions of 40 CFR Part 761, Subpart K, as applicable:

- i. 761.207 – Manifest – General requirements;
- ii. 761.210 – Use of the manifest – Generator requirements;
- iii. 761.213 – Use of the manifest – Commercial storage and disposal facility requirements.;
- iv. 761.214 – Retention of manifest records;
- v. 761.215 – Manifest discrepancies;
- vi. 765.216 – Unmanifested waste report;
- vii. 761.217 – Exception reports; and
- viii. 761.219 – One-year exception reporting.

5. Clean Harbors La Porte, LLC shall maintain copies of the manifests, either paper copies or electronically available in an online e-Manifest account, and certificates of disposal for all PCBs and PCB Items that have been stored at the Clean Harbors La Porte, LLC Facility. Clean Harbors La Porte, LLC shall provide copies of certificates of disposal to the generator of PCBs and PCB Items that were stored at Clean Harbors La Porte, LLC facility within thirty (30) calendar days of receipt by Clean Harbors La Porte, LLC of documentation of final disposal of such PCBs and PCB Items.

6. All records relating to sampling, analysis, and quality assurance required by the PCB Regulation or this Approval shall include the following:

- (a) exact date, place, and time of each sample collected;
- (b) volume of each sample collected;
- (c) name of person collecting each sample;
- (d) name of analyst;
- (e) date and time of analysis;
- (f) the analytical techniques or methods used for each sample;
- (g) the analytical results including chromatographs, calculations, and other raw data;
- (h) calibration records and maintenance records of sampling equipment and analytical instrumentation; and,
- (i) records of quality assurance/quality control activities.

7. All records required to be maintained either by the PCB Regulations or this Approval shall be legible and prepared in black ink or typed. Any modification or correction of the records must be initialed and dated by a Clean Harbors La Porte, LLC worker authorized to make such change. If the recordkeeping is maintained electronically, Clean Harbors La Porte, LLC shall produce and maintain hard copy printouts when requested by EPA and shall back-up the data on a daily basis. During any period in which the electronic recordkeeping system is rendered non-operational, Clean Harbors La Porte, LLC must implement a comparably reliable alternate recordkeeping system in its place.

8. All records required to be maintained either by the PCB Regulations or this Approval shall be maintained at one centralized location at the Clean Harbors La Porte, LLC Facility, and shall be made available for inspection by EPA authorized representatives. When Clean Harbors La Porte, LLC ceases operations, all such records shall be made available to EPA at the Clean Harbors La Porte, LLC Facility for a period of at least five (5) years following cessation of operations. If Clean Harbors La Porte, LLC is unable to comply with this condition because it is no longer in control of the site, it shall comply by making such records available at an alternative location proposed by Clean Harbors La Porte, LLC and approved by EPA in writing.

9. All reports, notifications and other information requested to be provided to the EPA shall be signed by a Clean Harbors La Porte, LLC officer or by the Clean Harbors La Porte, LLC Environmental and Safety Manager.

10. Unless otherwise specified herein, reports, notification, mail or other submittals required to be submitted to the EPA under this Approval shall be sent to:

Harry Shah
U.S. Environmental Protection Agency, Region 6
1200 Elm Street
Suite 500 (LCR-RP)
Dallas, Texas 75270
Shah.Harry@epa.gov

11. No recordkeeping, report or communication required under this Approval shall qualify as a self-audit or voluntary disclosure under EPA audit, self-disclosure or penalty policies.

I. Closure and Financial Assurance

1. Clean Harbors La Porte, LLC shall maintain financial assurance as specified in 40 CFR § 761.65(g) and 40 CFR Part 264, Subpart H, to provide for:

- (a) funding in accordance with the approved closure plan listed in Condition I.2.; and
- (b) compensating others for bodily injury and property damage caused by accidents arising from operations of the Facility.

2. The Closure Plan and Closure Cost Estimate submitted as part of the Clean Harbors La Porte, LLC Application is deemed acceptable under 40 CFR § 761.65(e) and is incorporated by reference into this Approval. Clean Harbors La Porte, LLC shall comply with the approved Closure Plan and Closure Cost Estimate.

3. Clean Harbors La Porte, LLC has demonstrated financial assurance for closure of the Clean Harbors La Porte, LLC Facility as required by 40 CFR § 761.65(g). Clean Harbors La Porte, LLC may not modify its mechanism for financial assurance without prior written approval from EPA. Clean Harbors La Porte, LLC shall submit proposed changes to its financial assurance mechanism to Director of PCB Unit and shall not implement such modification until it receives written EPA approval.

4. Clean Harbors La Porte, LLC shall adjust the Closure Cost Estimate annually to reflect inflation as required by 40 CFR § 761.65(f)(2) within sixty (60) days prior to the anniversary date of the establishment of the financial assurance instrument used (or, if using the financial test or corporate guarantee, within 30 days after the close of fiscal year). Clean Harbors La Porte, LLC shall submit a copy of the annually adjusted Closure Cost Estimate to EPA no later than the annual anniversary of the effective date of this Approval. If the annual adjustment to the Closure Cost Estimate changes the required amount such that it exceeds the face value of the existing financial assurance mechanism, Clean Harbors La Porte, LLC shall make a corresponding increase to its financial assurance mechanism. In the event modification to the financial assurance mechanism amount is required, Clean Harbors La Porte, LLC shall submit documentation of adequate financial assurance to the Director of the Land, Chemical, and Redevelopment Division within 60 days of the modification.

5. Clean Harbors La Porte, LLC shall modify the Closure Plan and Closure Cost Estimate whenever any changes in ownership, operating plans, maximum storage capacity or facility design affect the Closure Plan; whenever there is a change in the expected year of closure; or whenever unexpected events during closure require modification. If Clean Harbors La Porte, LLC becomes aware of information indicating that the estimated costs associated with performing closure of the Clean Harbors La Porte, LLC Facility may exceed the current Closure Cost Estimate approved by EPA, Clean Harbors La Porte, LLC shall modify the Closure Plan and/or Closure Cost Estimate, as appropriate. Clean Harbors La Porte, LLC shall submit proposed modifications to its Closure Plan and/or Closure Cost Estimate to EPA in the form of a modified application and shall not implement such modifications until it receives written EPA approval. Clean Harbors La Porte, LLC shall base modifications to Closure Cost Estimates on maximum cost conditions, as specified in 40 CFR § 761.65(f)(i) - (iv), and shall submit them to EPA with a "certification," as defined in 40 CFR § 761.3.

6. When an EPA-approved modification to the Facility's Closure Plan increases the Closure Cost Estimate, or when EPA approves a modification which increases the Facility's Closure Cost Estimate, Clean Harbors La Porte, LLC shall make corresponding increases to its financial assurance and provide documentation to EPA of such change no later than thirty (30) days after such modification is approved by EPA.

7. When an EPA-approved modification to the Facility increases the maximum storage capacity in Condition C.1.a., Clean Harbors La Porte, LLC shall notify the Director of the PCB Unit in writing no later than thirty (30) days from the completion of the modification and either establish a new financial assurance or amend the existing financial assurance mechanism. The new or amended financial assurance mechanism must be established and activated no later than thirty (30) days after notification of the completion of the modification but prior to the use of the modified portion of the Facility.

8. Clean Harbors La Porte, LLC shall keep a copy of the most recently approved Closure Plan, Closure Cost Estimate and financial assurance document(s) at the Facility and make such documents available to EPA authorized representatives, upon request.

9. Clean Harbors La Porte, LLC shall notify the Regional Administrator or his or her delegate in writing at least sixty (60) days prior to the date it expects to begin closure. The

date Clean Harbors La Porte, LLC “expects to begin closure” shall be no later than thirty (30) days after the date on which Clean Harbors La Porte, LLC receives its final quantities of PCB waste for storage.

10. In accordance with Clean Harbors La Porte, LLC’s approved closure plan, Clean Harbors La Porte, LLC shall remove all PCB waste in storage at Clean Harbors La Porte, LLC Facility within ninety (90) days after receiving the final quantity of PCB waste for storage and shall complete closure activities within 180 days after receiving the final quantity of PCB waste for storage.

11. Upon termination of the operation, Clean Harbors La Porte, LLC shall proceed according to the provisions of the Closure Plan submitted to and approved by EPA. As used in this paragraph, “termination of the operation” includes voluntary cessation of operations and cessation of operations required by expiration, termination, or revocation of this Approval.

12. During the closure period, all contaminated system component equipment, structures, and soils shall be disposed of in accordance with the disposal requirements of 40 CFR Part 761, Subpart D, or, if applicable, decontaminated in accordance with the levels specified in the PCB Spill Cleanup Policy, 40 CFR Part 761, Subpart G.

13. If PCB waste is removed from the storage facility during closure, Clean Harbors La Porte, LLC will become a generator of PCB waste subject to the generator requirements of 40 CFR Part 761, Subpart J.

14. Within sixty (60) days of completion of closure of the Clean Harbors La Porte, LLC Facility, Clean Harbors La Porte, LLC shall submit to the EPA Regional Administrator or his or her delegate a certification that the Facility has been closed in accordance with the approved closure plan. The certification shall be signed by Clean Harbors La Porte, LLC and by an independent registered professional engineer.

15. Clean Harbors La Porte, LLC shall submit to Director of PCB Unit a revised Closure Plan reflecting current conditions at the Facility at least 180 days prior to the anticipated beginning of closure activities. The revised Closure Plan must be approved in writing by U.S. EPA prior to implementation.

16. Clean Harbors La Porte, LLC may petition Director of the PCB Unit for permission to forgo submittal of a revised Closure Plan at least 180 days prior to the anticipated beginning of closure activities. In that petition, Clean Harbors La Porte, LLC shall demonstrate that there have been no significant changes to the conditions at the Facility that would warrant revisions to the Closure Plan. The requirement to submit a revised Closure Plan at least 180 days prior to the anticipated beginning of closure activities will only be waived upon a written notification from EPA to Clean Harbors La Porte, LLC granting the petition.

DECISION TO APPROVE Clean Harbors La Porte, LLC's APPLICATION TO
COMMERCIAL STORE PCB WASTE

EPA reviewed the commercial storage permit dated January 17, 2022, along with all supporting documents and has determined that the criteria for approval to engage in the commercial storage of PCB waste set forth in 40 CFR § 761.65(d) have been met. Specifically, the Application demonstrates that Clean Harbors La Porte, LLC's storage facility, storage capacity, employee qualifications, closure plan, and financial assurance for closure satisfy applicable requirements and that operation of the storage facility, when conducted in accordance with the conditions of this Approval and all applicable provisions of the PCB regulations, will not pose an unreasonable risk of injury to health or the environment. EPA approves the Clean Harbors La Porte, LLC Application to commercially store and treat PCBs and PCB Items for disposal at the Clean Harbors La Porte, LLC Facility.

This Approval shall become effective the date the Director of the Land, Chemical and Redevelopment Division acting on Clean Harbors La Porte, LLC's application, signs it and shall expire 5 years from such date, unless suspended, revoked or terminated, or administratively continued, in accordance with the conditions of this Approval, or unless otherwise authorized under applicable law.

This approval does not relieve Clean Harbors La Porte, LLC from compliance with all applicable federal, state and local regulatory requirements, including the federal PCB regulations at 40 C.F.R. Part 761.

November 22, 2022
Date

RONALD
CROSSLAND
Director
Land, Chemical and Redevelopment
Division

Digitally signed by RONALD
CROSSLAND
Date: 2022.11.22 14:23:19
-06'00'

CERTIFICATION FORM

I, _____, _____ certify that I
Print Name of an Authorized Representative Title
of FACILITY

have received and reviewed the Approval to Commercially Store Polychlorinated Biphenyls, 2022 renewal, at the Clean Harbors La Porte, LLC Facility in Temple, TX, on this ____ day of _____, and year of 20__, and hereby agree to abide by all Conditions of the Approval and all applicable requirements of the PCB Regulations, 40 CFR Part 761.

Signature

Date