Statement of Basis
Proposed Approval for Commercial Disposal of Polychlorinated Biphenyls

Chemical Waste Management of the Northwest, Inc.
Arlington, Oregon
U.S. EPA ID: ORD089452353

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

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1. Introduction

The United States Environmental Protection Agency, Region 10 (U.S. EPA) is requesting comment on (1) a Proposed Approval for Chemical Waste Management of the Northwest, Inc. (CWMNW) to store for disposal, treat for disposal, and dispose of PCB waste at its Arlington Facility[1] (hereinafter Facility or Arlington Facility) located near Arlington in Gilliam County, Oregon (See Figure 1), (2) a determination that historic properties will not be affected by the issuance of the Proposed Approval, (3) a determination that listed species will not be affected by issuance of the Proposed Approval, (4) an evaluation of the Proposed Approval's potential impact on communities with environmental justice concerns, and (5) a determination that no additional conditions were required to address climate change impacts. This Statement of Basis presents U.S. EPA's rationale for proposing the Approval.

CWMNW has been operating under an existing Approval issued by U.S. EPA Region 10 in August 2006 to manage, store, and dispose of PCB wastes. The Proposed Approval would renew and modify the existing Approval and was developed and is based on the final Application from CWMNW titled, "Final Application for Commercial Disposal of Polychlorinated Biphenyls (PCBs) under the Toxic Substances Control Act (TSCA) Chemical Waste Management of the Northwest, Inc. (CWMNW)" dated May 12, 2023, and signed by CWMNW on June 22, 2023. The Proposed Approval is based on attachments submitted by CWMNW at the time of the final Application, which can be found in the Administrative Record. The Proposed Approval is issued pursuant to Section 6(e)(1) of the Toxic Substances Control Act of 1976, 15 U.S.C. §2605(e)(1), and 40 C.F.R. Part 761, including any amendments or revisions thereto.

Under TSCA, this proposed action is known as an "Approval," which is essentially a permit. For instance, U.S. EPA follows a similar administrative process for Approval issuance, renewal, and modification as a permit. This Proposed Approval would authorize CWMNW to (1) continue to dispose of non-liquid PCB waste in an existing landfill (L-14 Cells 1-4), (2) dispose of non-liquid PCB waste in a landfill cell to be built (L-14 Cell 5), (3) store for treatment and disposal containerized and bulk PCB waste and PCB Items in existing and to-be-constructed waste storage areas, and (4) process and treat PCB-containing wastes prior to disposal. The Proposed Approval would also require CWMNW to monitor and perform post-closure maintenance at the non-operating landfills (L-1, L-3, L-5, L-6, L-7, L-8, L-9, L-10, L-12, and L-13).

All the units authorized by the Approval for PCB waste management are also separately permitted by the State of Oregon to store, treat and dispose of hazardous waste under the Resource Conservation and Recovery Act (RCRA). CWMNW's current State RCRA Permit[2] is being reviewed for renewal by the Oregon Department of Environmental Quality (ODEQ). CWMNW operates many portions of the Facility for the management of both RCRA and PCB wastes concurrently. The Proposed Approval applies to management and disposal of all PCB waste, whether PCB-only waste or PCB waste mixed with constituents regulated under RCRA. The units approved for treatment, storage, and disposal of PCBs are shown in Figure 2. Please note that Figure

[1] The EPA Administrator delegated authority to issue Approvals under TSCA to the Regional Administrator of Region 10 by EPA Delegation Order 12-5 issued January 9, 2008. The Regional Administrator further delegated authority to issue Approvals to the Director of the Land, Chemicals, and Redevelopment Division by EPA Regional Order R10-12-5 issued April 15, 2019.

[2] As used throughout this Statement of Basis, the term "State RCRA Permit" refers to Permit Number ORD089452353 issued by the ODEQ to CWMNW in 2006. The State RCRA Permit is administratively continued and ODEQ is currently working on issuing a renewal application.

2 also includes non-PCB RCRA units and units that are not yet constructed. The units included in the Proposed Approval are presented in Section 5.

2. Statement of Basis Organization

This Statement of Basis explains and justifies U.S. EPA's proposed renewal and modification of CWMNW's Proposed Approval for storage for disposal, treatment for disposal, and disposal of PCB wastes. The remainder of this Statement of Basis is organized into the following sections:

- Section 3 - Public Participation for Renewal and Modification of Approval
- Section 4 - Facility Description
- Section 5 - PCB Unit Descriptions
- Section 6 - Regulatory Determination for Storage and Treatment of PCB Wastes
- Section 7 - Regulatory Determination for Chemical Waste Landfills
- Section 8 - Regulatory Determination for Recordkeeping and Reporting of PCB Management
- Section 9 - Use of Omnibus Provisions
- Section 10 - Other Requirements and Programs
- Section 11 - Proposed Action

3. Public Participation for Renewal and Modification of Approval

On October 30, 2023, U.S. EPA began a 30-day public comment period during which it is soliciting comments on its Proposed Approval. The U.S. EPA also is seeking comment on its determinations that historic properties and listed species will not be affected by the issuance of this Proposed Approval. The comment period closes on November 29, 2023.

U.S. EPA will update this Statement of Basis with comments and responses received on the Proposed Approval and determinations.

4. Facility Description

The CWMNW Facility is located on 17629 Cedar Springs Lane, approximately 12 road miles south/southwest of the town of Arlington, Oregon, in Gilliam County (Figure 1). The Facility sits on an approximately 2,600-acre parcel, in which 942 acres are used for hazardous waste management-related activities. The Facility treats, stores, and disposes of hazardous waste, PCBs, and non-hazardous industrial material. The site is owned and operated by CWMNW.

The CWMNW Facility is a combined RCRA and TSCA waste facility. The Facility was established as a chemical waste disposal site in the 1970s. The Facility consists of multiple storage, treatment, and disposal units and employs approximately 64 workers.

CWMNW does not discharge any stormwater to surface waters per the requirements contained in 40 C.F.R. §761.75(b)(3). All stormwater is retained on site by the Facility's stormwater retention ponds. The run-on prevention system at the CWMNW units described below in Section 5c is typical for an arid climate, where the annual average rainfall is less than 10 inches and a high intensity rainfall event such as the 25-year, 24-hour storm would produce only 1.8 inches of rain.

The Facility accepts PCB waste such as ballasts, capacitors, drained transformers, solid remediation waste, and other solids containing PCBs such as paint and caulk. The Facility occasionally will

conduct stabilization of contaminated soil that contains PCBs, with the stabilization treatment focused on co-contaminants and not PCBs. The Facility may also encapsulate PCB contaminated debris for disposal in the active landfills using micro- and macro-encapsulation. The Facility drains and flushes transformers, capacitors, electrical equipment, and other PCB articles. Any liquid PCBs and solvents containing PCBs are sent off-site for incineration. Liquids containing PCBs from incidental sources such as leachate, precipitation, condensation, and load separation, may be solidified prior to disposal. PCB waste contaminated with RCRA-regulated constituents may be treated using other methods such as oxidation, precipitation, deactivation, neutralization, chemical oxidation, and adsorption for the purpose of complying with State RCRA Permit requirements applicable to RCRA-regulated waste constituents.

5. PCB Unit Descriptions

This Proposed Approval authorizes the storage for disposal of PCB wastes at the following units: S-2, S-6, S-10, S-11, S-12, B-5, B-6, B-7, and B-8. This Proposed Approval authorizes the treatment for disposal of PCB wastes at the following units: S-2, S-6, S-10, S-12, B-5, B-6, B-7, B-8, OSU-1 through OSU-6, and SU-B8. This Proposed Approval authorizes disposal of PCB wastes at the following units: Landfill L-14 Cells 1-5. The following are detailed descriptions of the PCB Units in the Proposed Approval:

a. Storage

The ***S-2*** building has exterior dimensions of approximately 80 × 200 feet and has a 12-inch to 18-inch thick, cast-in-place homogeneous reinforced concrete floor surrounded by a 36-inch-high concrete containment wall. The floor and sumps are completely sealed with a chemically resistant epoxy coating. The building has five storage bays designated: S-2a, S-2b, S-2c, S-2d, and S-2e. Each storage bay is surrounded by concrete containment walls that vary from 8 inches to 4 feet in height. Each bay maintains signage that identifies the current hazard class of the materials stored within.

S-6 is an outdoor container storage area. To prevent release of stored waste, S-6 constructed of the following materials described from top to bottom: 6 inches of 1" minus crushed rock, 18 inches soil compacted to 95% of the standard maximum dry density, 12-oz Geotextile, and 60-mil high-density polyethylene (HDPE) liner. The base of the outside container storage areas is sloped so that any liquids resulting from leaks, spills, or precipitation can be collected and removed from the sumps situated at the rear of the container storage area.

S-10 is an outdoor container storage area. To prevent releases of stored wastes, S-10 is constructed of the following material described from top to bottom: 6 inches of 1" minus crushed rock, 18 inches soil compacted to 95% of the standard maximum dry density, 16-oz Geotextile, and 60-mil HDPE liner. The base of the outside container storage area is sloped so that any liquids resulting from leaks, spills, or precipitation can be collected and removed from the sumps situated at the rear of the container storage area.

S-11 is a manufactured mobile steel containment container with storage for up to 44 55-gallon drums. S-11 is generally used for reactive wastes or other drums that require segregation from other wastes. S-11 is located within S-2 and can be moved as needed for operational efficiency.

S-12 is an outdoor container storage area. To prevent releases of stored waste, S-12 is constructed of the following material described from top to bottom: six inches of 1” minus

crushed rock, 18 inches soil compacted to 95% of the standard maximum dry density, 12-oz Geotextile, and 60-mil HDPE liner. The base of the outside container storage area is sloped so that any liquids resulting from leaks, spills, or precipitation can be collected and removed from the sumps situated at the rear of the container storage area.

The ***B-5*** storage building is equipped with a series of "push walls" designed to contain the bulk piles and maintain a protective five-foot separation from the exterior wall. Staff are trained to not accumulate waste above the height of the push walls and to ensure that the waste slopes away. The building has exterior dimensions of approximately 230 × 390 feet with a floor and liner system consisting of the following from top to bottom: eight-inch-thick concrete slab, six inches of ⅝" minus base rock, six-oz. non-woven geotextile filter, 12 inches of ½-1¼" crushed rock for drainage layer, 16-oz. non-woven geotextile cushion, 60-mil HDPE primary geomembrane, 200-mil secondary geonet drainage layer, and 60-mil HDPE secondary geomembrane. Each of the drainage layers terminates in a separate sump that has an access riser. This allows monitoring for the presence of liquid in the secondary leak detection system and the removal of liquid from the primary collection system.

The ***B-6*** storage building, not yet constructed, will have an overall exterior dimension of approximately 230 × 1170 feet. The building is modular and will be built in up to three modules 230 feet wide by 390 feet long, designated as B-6 Modules 1, 2 and 3. Each building module will be continuous with its adjacent unit and constructed with a floor and liner systems consistent with the same design used in B-5 (see above). Each of the two drainage layer systems will terminate in a separate sump that has an access riser. At full buildout, the liner system will be constructed with three primary and three secondary sumps. This will allow monitoring for the presence of liquid in the secondary leak detection system and the removal of liquid from the primary collection system.

The ***B-7*** storage building, not yet constructed, will have an exterior dimension of approximately 230 × 390 feet with a floor and liner system consistent with the same design used in B-5 (see above). Bulk waste solids may be stockpiled up to 25 feet high inside the building. Bulk waste stockpiles will be surrounded on three sides by an eco-block (or equivalent) separation wall. Each of the drainage layers will terminate in a separate sump that will have an access riser. This will allow monitoring for the presence of liquid in the secondary leak detection system and the removal of liquid from the primary collection system.

The ***B-8*** building, not yet constructed, will have exterior dimensions of 230 × 390 feet and is designed with a floor and liner system consistent with Building B-5 containment and liner (see above). Building B-8 will be primarily for housing filtration, neutralization, and stabilization/solidification process equipment, and for storage of liquid, solid, and semi-solid per- and polyfluoraoalkyl substances (PFAS) contaminated wastes. PFAS waste may also contain PCBs.

b. Treatment of PCB Wastes for Disposal

The Proposed Approval authorizes processing activities which are primarily associated with and facilitate treatment or disposal as described in 40 C.F.R. §761.20(c)(2)(ii). Generally speaking, the TSCA regulations only specify treatment requirements for one type of PCB waste: liquids from incidental sources, such as precipitation, condensation, leachate, or load separation, that are associated with PCB articles or non-liquid PCB wastes. *See* 40 C.F.R. §§761.60(a)(3) and

761.75(b)(8)(ii). These incidental liquids must be pretreated and/or stabilized prior to landfill disposal.

In addition, CWMNW is separately permitted to receive some RCRA hazardous waste, and RCRA regulations require treatment for some types of hazardous wastes prior to disposal in a landfill to meet RCRA Land Disposal Restrictions (LDR), or other applicable criteria. In cases where a waste is both a non-liquid PCB waste and a RCRA hazardous waste, CWMNW may be required to conduct treatment prior to disposal beyond what is required by TSCA or the PCB regulations. The Proposed Approval contains operational and regulatory conditions to ensure that all treatment operations are conducted in a safe manner and that the treatment units are closed properly to minimize the chance of future PCB releases into the environment.

CWMNW is authorized to treat PCB-only waste using methods such as solidification and stabilization prior to disposal in the landfill. The Facility is also authorized to manage PCB waste using methods such as draining/flushing, repacking, bulking, and transfer of PCB liquids. Such treatment and management are authorized at units S-2, S-6, S-10, S-11, S-12, B-5, B-6, B-7, B-8, OSU-1, OSU-2, OSU-3, OSU-4, OSU-5, OSU-6, and SU-B8, as described in the Proposed Approval. All PCB wastes disposed at the Facility must meet the disposal requirements at 40 C.F.R. §761.60.

CWMNW is authorized to treat RCRA hazardous waste contaminated with PCBs using methods such as micro-encapsulation, macro-encapsulation, solidification, stabilization, oxidation, precipitation, deactivation, neutralization, chemical oxidation, and adsorption to address RCRA-regulated constituents. These treatment methods are authorized at units OSU-1, OSU-2, OSU-3, OSU-4, OSU-5, and OSU-6, and in SU-B8. Macro-encapsulation also occurs in S-6, S-10, S-12, B-5, B-6, B-7, and B-8.

Micro-encapsulation and macro-encapsulation of hazardous debris that may be contaminated with PCBs are needed to meet LDR, which allows the debris to be disposed of in the chemical waste landfill. Micro-encapsulation is the stabilization of hazardous debris with reagents such that the leachability of the hazardous contaminants is reduced. The macro-encapsulation process encases the debris to provide a physical barrier that minimizes potential leaching of hazardous constituents from the debris.

Units OSU-1 through OSU-6 are authorized to treat non-bulk and bulk wastes. The treatment methods are performed within inground units. OSU-1 through OSU-6 have two compartments each for a total of 12 compartments that are carbon steel bins open to the atmosphere. The bins are situated partially below the surface of the ground, and the rim of each bin is raised 12 inches above the surrounding grade to prevent run on from entering the bins. Hazardous wastes, nonhazardous wastes, and hazardous debris are batch treated in one of these twelve carbon steel compartments and then removed for disposal in the landfill.

The SU-B8 stabilization area will contain a tipping area for bulk loads of wastes. SU-B8 will be located inside Storage Building B-8. Four stabilization batch tipping areas with three-sided push walls accept wastes from the emerging contaminant pile in the B-8 tipping area and loads of metals-bearing waste for stabilization.

Under the Proposed Approval, thermal treatment of PCB wastes is prohibited at the Facility.

c. Landfill Disposal of PCB Wastes

Landfill L-14 is permitted to receive non-liquid PCB waste as well as non-liquid RCRA hazardous waste. Cells 1-4 of Landfill L-14 are currently in operation. CWMNW anticipates that Cells 5-8 will be constructed in the future. The Proposed Approval would authorize Cells 1-5 of Landfill L-14 to accept PCB wastes for disposal.

Landfill L-14 is designed to meet RCRA requirements in 40 C.F.R. §264.301. The base footprint for Landfill L-14 Cells 1-5 will be 67.9 acres. The location of Landfill L-14 with its respective cells is shown on Figure 2.

Detailed geotechnical analyses were conducted as part of the original Landfill L-14 siting/design to evaluate settlement/heave, bearing capacity, and cut slope stability under static and dynamic loading conditions. The landfill's foundation is >100 feet above groundwater. Construction of the landfill is conducted following a construction quality assurance plan and process.

Landfill L-14 has bottom and sidewall liner systems that incorporate primary and secondary liners as well as leachate collection and recovery systems. The liner system in all cells of L-14 utilizes a geosynthetic clay liner (GCL) in the upper (primary) liner, instead of the soil/bentonite liner used in older landfills. For Cells 4 through 8, GCL will also be used in the construction of the lower (secondary) liner as a replacement for the compacted soil/bentonite layer because of the lower permeability of the GCL.

Within each cell, leachate from the primary and secondary collection systems is channeled toward primary and secondary leachate collection sumps, respectively, located on the landfill bottom. Each cell within L-14 has a tertiary sump constructed beneath the primary and secondary leachate collection sump system. The tertiary sumps are designed to provide the landfill unit with the earliest possible indication of a release that can be effectively monitored.

CWMNW must remove leachate from the primary leachate removal sump prior to leachate levels reaching a depth of one foot. Leachate either may be used for dust control within the landfill as described below or transported to on-site wastewater treatment plants for treatment prior to disposal in any of the on-site surface impoundments for solar evaporation.

Control of fugitive dust at the landfills is accomplished by surface application of leachate within the lined area of the landfill from which it was pumped. Leachate is pumped from the leachate detection sumps either to a container located within the lined footprint of the landfill or directly to the leachate distribution system (sprinklers or drip hoses). No leachate leaves the landfill from which it was pumped and the leachate, at all times, remains over the lined area that collected the leachate. If not applied directly, the leachate is collected in a portable container that stores the leachate until it is needed for dust control. Leachate is not applied to roadways due to the risk that leachate could percolate to groundwater, leachate could contaminate stormwater, and vehicles could inadvertently transport contaminated leachate offsite.

Run-on and run-off is managed at the landfills based on the phase of operation of the landfill cell. First, while waste elevations are below surrounding grade, precipitation is contained within each landfill by the lined side slopes and is prevented from being discharged onto the adjacent ground. CWMNW directs any precipitation falling inside the perimeter of the active cells of the landfill to temporary, geomembrane-lined surface water basins within each landfill footprint. The

temporary detention basins are in each cell between the toe of the waste slope and the cell divider berms, or immediately adjacent to each cell. Each area is lined with a geomembrane to prevent infiltration of precipitation into the waste. The basins are sufficiently sized to contain run-off from a 25-year, 24-hour storm. CWMNW removes liquid collected in the temporary basins with vacuum trucks or portable pumps. CWMNW must test precipitation run-off for toxicity in accordance with the procedures established in the facility's Waste Analysis Plan (Application Appendix D), and then treat or discharge the run-off directly to the stormwater retention ponds.

Second, when waste elevations within the landfill exceed the adjacent perimeter grade, and prior to constructing final cover, CWMNW directs precipitation falling on the outer slopes of the landfill to a channel formed by the toe of the slope and the liner, which directs flow to a basin. A berm is maintained around the perimeter of the landfill to prevent overflow.

During the final cover phase of landfill cell operation, CWMNW considers precipitation that falls on the landfill areas with final cover in place or into cells that do not contain waste as uncontaminated and discharges any accumulated precipitation to the stormwater retention ponds without testing. After final cover is in place, no contaminated run-off is allowed to flow onto the adjacent covered areas. CWMNW prohibits operation of contaminated vehicles on the final cover, and precipitation is directed away from these areas.

Run-off from active slope areas could flow downslope over previously covered areas during placement of subsequent lifts (layers) of waste. To prevent this run-off from occurring, CWMNW maintains a channel along the toe of the exposed waste slope, adjacent to the cover of the previous lift (layer). The channel collects all run-off from the active slope areas and has the capacity to contain a 25-year, 24-hour storm. To minimize the potential for run-off in the active slope areas, CWMNW places cover over these areas as soon as practical. CWMNW constructs a final cover system after waste reaches final design grades.

U.S. EPA has reviewed all information provided by CWMNW regarding the design and operation of the landfill cells, and U.S. EPA believes these specifications are sufficient to prevent risk to human health and the environment.

d. Post-Closure Care for Landfills

As shown on Figure 2, there are ten landfills at the Facility which have been completely filled and closed in accordance with their approved closure plans (L-1, L-3, L-5, L-6, L-7, L-8, L-9, L-10, L-12, and L-13). The Proposed Approval includes post-closure care for the ten non-operating PCB landfills and the active landfill L-14. Post-closure care includes financial assurance, groundwater monitoring, corrective action, and other requirements. Post-closure care must begin after final closure is certified complete for each unit and continue for 30 years after the date of closure for each unit.

6. Regulatory Determination for Storage and Treatment of PCB Wastes (40 C.F.R. §761.65(b) and (d)(2))

The U.S. EPA has evaluated the Application and its appendices, additional supporting information submitted by CWMNW, and other available information. Based on this evaluation, U.S. EPA is proposing to determine that Approval of storage and treatment of PCB wastes at the Facility will satisfy the criteria contained in 40 C.F.R. §761.65(d)(2). This allows U.S. EPA to issue an Approval

authorizing CWMNW to store PCBs on a long-term and temporary basis at the storage areas at the Facility. Long-term storage per 40 C.F.R. §761.65(a) and (b) may not exceed one year from the date it was determined to be PCB waste unless extended under 40 C.F.R. §761.65(a)(2)-(3). Temporary storage per 40 C.F.R. §761.65(c)(1) is allowed for up to 30 days for specific PCB Items.

A detailed breakdown of U.S. EPA's evaluation of the requirements of 40 C.F.R. §761.65 is provided in the U.S. EPA's Application Review Checklist for Storage for Disposal contained in the Administrative Record.

The U.S. EPA's findings for each requirement in 40 C.F.R. §761.65(d)(2) are discussed below:

a. Personnel Requirements

   Under 40 C.F.R. §761.65(d)(2)(i), U.S. EPA may only issue an approval if it finds that CWMNW, its principals, and its key employees responsible for the establishment and operation of the commercial storage facility are qualified to engage in the business of commercial storage of PCB waste. U.S. EPA has reviewed employee qualification information and is preliminarily finding that this requirement is met. This finding is based on U.S. EPA's evaluation of the experience of the personnel that manage the Facility, as provided in Exhibit A.

   This finding is also based on the Facility's compliance with the worker training program as described Section 2.7, Personnel Protection, and Section 3.0, Training Program, in Application Appendix E, Security Procedures, Hazards Prevention and Training Plan.

b. Facility Capacity Requirements

   Under 40 C.F.R. §761.65(d)(2)(ii), U.S. EPA may only issue an approval if it finds that the Facility possesses the capacity to handle the quantity of PCB waste which CWMNW has estimated will be the maximum quantity of PCB waste that will be stored at any one time at the Facility. U.S. EPA is preliminarily finding that this requirement is met. This finding is based on the secondary containment capacity contained in Table 9-1, Materials Storage Units and Capacities, Application Appendix J, Waste Storage Design and Operations Plan.

c. Storage Facility Standards

   U.S. EPA is preliminarily finding that the CWMNW Facility meets the PCB storage unit requirements contained in 40 C.F.R. §761.65(b) and (c)(7). Pursuant to 40 C.F.R. §761.65(d)(2)(iii), in Section 5 of the Application, CWMNW also certified compliance with these storage unit requirements.

d. Closure Plan Development

   Under 40 C.F.R. §761.65(d)(2)(iv), U.S. EPA may only issue an approval if it finds that CWMNW has a written Closure/ Post-Closure Plan for the Facility that is deemed acceptable under the closure plan standards of 40 C.F.R. §761.65(e). U.S. EPA is preliminarily finding that this requirement is met. This finding is based on U.S. EPA's evaluation of the CWMNW closure plan information contained in Application Sections 3.36 and 3.37, and Application Appendix H, Closure/ Post-Closure Plan.

   As required by 40 C.F.R. §761.65(e), the Closure Plan includes a description of closure work for the PCB storage areas, the maximum extent of storage operations (including the locations where

waste will be stored), an estimate of the maximum amount of waste that could be stored at the Facility at any one time, a detailed description of the steps necessary to decontaminate PCB waste residues, a detailed description of the steps necessary to ensure that any post-closure releases of PCBs will not present unreasonable risks to human health or the environment, and a schedule for closure of each area of the Facility where PCBs were stored or handled.

As required by 40 C.F.R. §761.65(e)(2), U.S. EPA has incorporated CWMNW's closure plan into the Proposed Approval at Condition IV.B.10.

e. Demonstration of Financial Responsibility for Closure

Under 40 C.F.R. §761.65(d)(2)(v), U.S. EPA may only issue an approval if it finds that CWMNW maintains financial assurance for closure and post-closure care. U.S. EPA is preliminarily finding that this requirement is met. CWMNW maintains financial assurance for both closure and post-closure estimated costs for RCRA and TSCA in the form of a Surety Bond. See Application Appendix B, TSCA Closure Cost Estimates and Engineering Certification; and Application Appendix C, RCRA Financial Assurance Documents.

f. Operations Will Not Pose an Unreasonable Risk

Under 40 C.F.R. §761.65(d)(2)(vi), U.S. EPA may only issue an approval if it finds that the operation of the long-term and temporary PCB container storage units and the treatment for disposal operations at the Facility will not pose an unreasonable risk of injury to health or the environment. U.S. EPA is preliminarily finding that this requirement is met. This finding is based on U.S. EPA's evaluation of the Application and its appendices.

The remote location of the Facility helps to reduce potential human health exposures. PCBs have limited volatility to get into the air from storage operations and there are no other reasonably identifiable pathways of exposure to the closest residents. There are approximately 19 people living within a five-mile radius (79 square miles) and 1,025 people living within a ten-mile radius (314 square miles) surrounding the Facility (see Exhibit D). There are also limited pathways for environmental exposure since operation of the storage units do not create PCB airborne emissions as much of the waste will be containerized upon receipt by the Facility. Daily cover is placed on the active landfill area, and leachate or water is used to mitigate dust emissions to mitigate potential air emissions.

Workers at the Facility are protected through the on-site health and safety program. Application Appendix E, Security Procedures, Hazards Prevention and Training Plan; and Application Appendix G, Contingency Plan, contain the procedures and protocols to address any accidental spills of PCBs.

U.S. EPA has also made a determination under the Endangered Species Act that management and disposal of PCB wastes at the Facility, as allowed in the Proposed Approval, "will not affect" any listed species or designated critical habitat. More details on the process U.S. EPA used to make this determination are in Section 10.c. below. U.S. EPA's determination can be found in Exhibit E.

g. Compliance History

Under 40 C.F.R. §761.65(d)(2)(vii), U.S. EPA must evaluate the history of environmental civil or criminal violations by CWMNW, its principals, and its key employees. If this history evidences a pattern or practice of noncompliance that demonstrates CWMNW's unwillingness or inability to achieve and maintain compliance with the regulations, then such history may constitute a sufficient basis for denial of approval.

Pursuant to this requirement, U.S. EPA (1) evaluated the results of a technical assistance site visit conducted by the U.S. EPA on April 6, 2022, (2) reviewed CWMNW's federal and state compliance history as reflected in the U.S. EPA Enforcement and Compliance History Online (ECHO) database, and (3) reviewed the compliance history provided by CWMNW titled "5-Year Violation History" in Section 3.26 of the Application.

The U.S. EPA's April 6, 2022, technical assistance site visit did not identify any significant issues of concern. U.S. EPA reviewed the Facility's compliance history on the ECHO database (see Exhibit F), which contains a record of ODEQ RCRA inspections and U.S. EPA compliance actions. U.S. EPA issued a formal administrative civil enforcement action (Case 10-2020-0111) to CWMNW for violating third-party liability financial assurance requirements. This enforcement action was closed on September 25, 2020. No other environmental civil violations or criminal convictions were noted by U.S. EPA or ODEQ over the past five years. CWMNW provided compliance history over the past five years, which is included in Exhibit F. In addition to the violations provided in ECHO, CWMNW noted individual violations from U.S. Department of Homeland Security and Oregon Department of Energy. CWMNW responded to these violations with a payment penalty and corrective action respectively. Based on the information described above, U.S. EPA has preliminarily found that CWMNW's compliance history does not constitute a basis for denial of approval.

7. Regulatory Determination for Chemical Waste Landfills (40 C.F.R. §761.75(c)(1) and 40 C.F.R. §761.75(c)(3)(i))

U.S. EPA has evaluated the CWMNW's Application and its appendices, additional supporting information submitted by CWMNW, and other available information. Accordingly, U.S. EPA has determined that the requirements contained in 40 C.F.R. §761.75(c)(1) and 40 C.F.R. §761.75(c)(3)(i) have been satisfied for the disposal of PCB wastes in Landfills L-14 Cells 1-5 at the CWMNW Facility. U.S. EPA's findings for each requirement are discussed below.

a. Initial Report/ Application

As required in 40 C.F.R. §761.75(c)(1), the Application and supporting documents such as figures and appendices:

- Specify the location of the CWMNW Facility landfills:
  - Section 2.14, Location
  - Figure 1-0, Site Location Map
  - Figure 1-2, Facility Layout Map
  - Application Appendix M, Landfill L-14 Design Drawings

- Include a detailed description of the CWMNW Facility landfill units including general site plans and design drawings:
  - Application Appendix L, Landfill Design, Operations and Response Action Plan
  - Application Appendix M, Landfill L-14 Design Drawings
  - Application Appendix O, Alternative Final Cover Design Plan, Landfills L-12, L-13, L-14, and L-15

- Describe how the landfill complies with the technical requirements specified in 40 C.F.R. §761.75(b):
  - Application Appendix A, PCB Operations Plan
  - Application Appendix D, Waste Analysis Plan
  - Application Appendix E, Security Procedures, Hazard Prevention, and Training Plan
  - Application Appendix I, Groundwater Monitoring Plan
  - Application Appendix L, Landfill Design, Operations and Response Plan,
  - Application Appendix N, Construction Quality Assurance Plan
  - Application Appendix O, Alternative Final Cover Design Plan, Landfill L-12, L-13, L-14, and L-15

- Describe sampling and monitoring equipment:
  - Section 2.17, Sampling and monitoring equipment
  - Application Appendix A, PCB Operations Plan
  - Application Appendix D, Waste Analysis Plan
  - Application Appendix E, Security Procedures, Hazard Prevention, and Training Plan
  - Application Appendix F, Inspection Plan
  - Application Appendix H, Closure/Post-Closure Plan

- Specify the expected waste volumes of PCBs:
  - Section 3.29, Estimate of Maximum PCB Waste Handled
  - Section 5.1, Application Appendix A, PCB Operations Plan

- Provide a general description of waste materials other than PCBs that are expected to be disposed of in the CWMNW landfill:
  - Application Appendix D, Waste Analysis Plan
  - Application Appendix H, Closure/ Post-Closure Plan
  - Application Appendix L, Landfill Design, Operations and Response Plan

- Include a Facility Operations Plan:
  - Application Appendix A, PCB Operations Plan
  - Application Appendix L, Landfill Design, Operations and Response Plan

- List local, State or Federal permits or approvals:
  - Section 1.0, Introduction
  - Section 2.1, General

b. Technical Requirements for Chemical Waste Landfills (40 C.F.R. §761.75(b) and (c)(3)(i))

Under 40 C.F.R. §761.75(c)(3)(i), the Facility must meet the technical requirements contained in 40 C.F.R. §761.75(b), unless U.S. EPA has approved an exemption from those requirements under 40 C.F.R. §761.75(c)(4). U.S. EPA reviewed information contained in CWMNW's application and has preliminarily found that the existing and approved future landfill units meet these technical requirements. A detailed breakdown of how the requirements of 40 C.F.R. §761.75(b) are satisfied is provided in the U.S. EPA's Application Review Checklist for Chemical Waste Landfills contained in the Administrative Record. U.S. EPA has also made ongoing compliance with these requirements a Proposed Approval requirement at Condition VI.A.5.

c. Waivers of Technical Requirements for Chemical Waste Landfills

40 C.F.R. §761.75(c)(4) allows an owner or operator to request a waiver of any requirement under 40 C.F.R. §761.75(b), upon a showing that waiver of the requirement at the landfill will not present an unreasonable risk of injury to health or the environment from PCBs. In accordance with 40 C.F.R. §761.75(c)(4), CWMNW is requesting waivers from the requirements of 40 C.F.R. §761.75(b) applicable to groundwater and leachate analyses, and supporting facilities (fencing), as described in more detail below:

i. Water and Leachate Analyses – 40 C.F.R. §761.75(b)(6)(iii) and (7)

40 C.F.R. §§761.75(b)(6)(iii) and (7) specify the sampling methods that must be used to analyze groundwater and leachate samples for the presence of PCBs, pH, specific conductance, and chlorinated organics. In its Application and associated appendices, CWMNW requested to use alternative test methods for these and some additional parameters when analyzing leachate and groundwater. The U.S. EPA has preliminarily determined that these alternative methods—which are specified in the most current version of the U.S. EPA Publication SW-846, "Test Methods for Evaluating Solid Wastes" and American Society for Testing and Materials (ASTM)—are more appropriate than those stated in this regulation and are industry standard. As a result, U.S. EPA is proposing to approve this waiver, which would allow for the substitution of SW-846 Methods 6010, 8260, 8270, 8082, 8081, and other methods as required, and for the parameters listed in Application Appendix D, Waste Analysis Plan.

ii. Supporting Facilities - 40 C.F.R. §761.75(b)(9)(i)

40 C.F.R. §761.75(b)(9)(i) requires a six-foot woven mesh fence, wall, or similar device shall be placed around the site to prevent unauthorized persons and animals from entering. CWMNW's current operations area is surrounded by an approximately six-foot-high chain link fence. The chain-link fence is a similar device that, in addition to other security features, prevents unauthorized persons and animals from entering. CWMNW proposes to install additional six-foot-high chain link fencing in phases around future PCB Units when they are constructed, to prevent unauthorized persons and animals from entering. CWMNW has requested a waiver to allow for the operational area fencing to be constructed in phases to satisfy the requirements of 40 C.F.R. §761.75(b)(9)(i).

CWMNW submitted site plans that include building and landfill locations and size specifications. In addition, Application Appendix E, Security Procedures, Hazards Prevention and Training Plan describes procedures used by CWMNW for preventing unauthorized entry from persons, livestock, and wildlife.

U.S. EPA believes that the proposal to build fencing at the time new PCB units are constructed is appropriate and thus is approving this waiver of the 40 C.F.R. §761.75(b)(9)(i) requirements pursuant to 40 C.F.R. §761.75(c)(4) and incorporating the above into the Proposed Approval.

8. Review of Recordkeeping and Reporting of PCB Management (40 C.F.R. §761.180 and Subpart K (40 C.F.R. §§761.202-219 as appropriate))

40 C.F.R. §761.180 and applicable sections of Subpart K contain recordkeeping and reporting requirements that apply to PCBs, PCB Items, and PCB storage and disposal facilities that are subject to the requirements of 40 C.F.R. Part 761.

The U.S. EPA has evaluated the Application and its appendices, additional supporting information submitted by CWMNW, and other available information. Accordingly, U.S. EPA has determined that these combined with the Proposed Approval conditions satisfy the criteria contained in 40 C.F.R. §761.180 and applicable sections of Subpart K.

A detailed breakdown of how CWMNW intends to satisfy the requirements of 40 C.F.R. §761.180 and Subpart K is provided in the U.S. EPA's Application Review Checklist for Recordkeeping and Reporting contained in the Administrative Record.

9. Use of Omnibus Provisions at 40 C.F.R. §761.65(d)(4)(iv) and 40 C.F.R. §761.75(c)(3)(ii)

The TSCA regulations at 40 C.F.R. §761.65(d)(4)(iv) and 40 C.F.R. §761.75(c)(3)(ii) allow U.S. EPA to include other requirements in an approval that the agency finds necessary to ensure that PCB storage and disposal operations at the Facility "will not pose an unreasonable risk of injury to health or the environment."

The Proposed Approval relies in part on these provisions to include requirements that are not specifically delineated in the TSCA regulations but are nonetheless necessary to ensure that operations at the Facility will not pose an unreasonable risk of injury to health or the environment. For example, the TSCA regulations for chemical waste landfills at 40 C.F.R. §761.75 do not include the requirement for a closure plan. U.S. EPA is nonetheless requiring that the L-14 landfill be included in the Facility Closure Plan based on its authority under the omnibus regulation at 40 C.F.R. §761.75(c)(3)(ii) because U.S. EPA believes a closure plan is necessary to ensure the landfill does not present an unreasonable risk of injury to health or the environment from PCBs.

U.S. EPA's justification for using the omnibus provisions of 40 C.F.R. §§761.65(d)(4)(iv) and 761.75(c)(3)(ii) in the Proposed Approval are provided in Exhibit B.

10. Other Requirements and Programs

As part of its decision to propose the CWMNW Approval, U.S. EPA has evaluated the requirements listed below to ensure that the Proposed Approval will meet Section 106 of the National Historic

Preservation Act, Executive Order 12898, Section 7 of the Endangered Species Act, and Executive Order 14008.

U.S. EPA has preliminarily determined that the Proposed Approval for the CWMNW Facility complies with these other requirements and has concluded that there are no unreasonable risks to health or the environment from climate change threats to the CWMNW Facility. These findings are discussed in more detail below:

a. Section 106 of the National Historic Preservation Act

U.S. EPA is proposing to determine that the Proposed Approval will have "No Adverse Effect" on historic properties. U.S. EPA, as the permitting agency, is responsible for complying with the National Historic Preservation Act of 1966 (NHPA), as amended, 54 U.S.C. §300101 et seq. The NHPA requires federal agencies to evaluate the effects of their actions (undertakings) on historic properties and afford consulting parties and the public reasonable opportunity to comment.

U.S. EPA's proposed determination of "No Adverse Effect" is based on several factors: (1) none of the structures at the Facility are listed on the National Register of Historic Places, (2) no areas with Tribal cultural, subsistence, or ceremonial interest have been identified during the Tribal coordination process, and (3) no listed or eligible historic properties have been identified in the immediate area based on the Oregon Heritage/State Historic Preservation Office's Historic Sites Database. The closest eligible property, about four miles away from the Facility, will not be impacted by this Proposed Approval (Exhibit C).

b. Environmental Justice

Executive Order 12898 (Federal Actions To Address Environmental Justice in Minority Populations and Low-Income Populations, 59 FR 7629, February 16, 1994) directs Federal agencies to identify and address "disproportionately high and adverse human health or environmental effects" of their actions on minority populations and low-income populations to the greatest extent practicable and permitted by law. Pursuant to Executive Order 12898, U.S. EPA evaluated whether there is any basis to believe that the operation of the facility or issuance of the Proposed Approval may have a disproportionate impact on a minority or low-income segment of an affected community.

The Facility is in a remote area with a very low population density. According to the EJ Screen Model used at U.S. EPA nationally, there are approximately 19 people living within a five-mile radius and approximately 1,025 people living within a ten-mile radius (314 square miles) surrounding the Facility (see Exhibit D). U.S. EPA evaluated the area using the EJ Screen Model. In the ten-mile radius, demographically, 20% of the 1,025 people in the area are under the age of 17; 17% of the population are People of Color; and 33% of the residents are renters. About 96% of residents speak only English at home, resulting in no households being noted as linguistically isolated. About 40% of the population is low-income, which is higher than the state, EPA Region 10, and U.S. averages. Per capita income was $26,482 as of the 2015-2019 timeframe. The area does not reach the 80th percentile for any of the EJ indices presented in the model. That is, compared to the state, regional, and national population, none of these percentages score higher than 80 percent of the general population. Based on this information, U.S. EPA believes this action will not impact any communities with environmental justice

concerns. Although U.S. EPA evaluated this information as part of its analysis, this information was not a basis for U.S. EPA's proposed action.

c. Endangered Species Act

Section 7(a)(2) of the Endangered Species Act (ESA), 16 U.S.C. §1536(a)(2), requires all federal agencies, in consultation with the United States Fish and Wildlife Service (USFWS) and the National Marine Fisheries Service (NMFS), to ensure that any action they carry out, fund, or authorize (such as through a permit) is not likely to jeopardize the continued existence of a listed species or result in the destruction or adverse modification of designated critical habitat. Under the ESA, management of listed species is divided between the USFWS and the NMFS.

As part of the Proposed Approval, U.S. EPA conducted a search for threatened and endangered species in the area surrounding the CWMNW Facility using web-based tools provided by the USFWS and the NMFS. Based on the results of these searches, U.S. EPA determined that there are no listed species or designated critical habitat present at or near the CWMNW Facility. In addition, U.S. EPA determined that the Proposed Approval "will not affect" any listed species or designated critical habitat. Accordingly, consultation with the USFWS or the NMFS is not required. See Exhibit E for additional details of U.S. EPA's determination.

d. Climate Change Assessment

As required by Executive Order 14008: Tackling the Climate Crisis at Home and Abroad, U.S. EPA has assessed possible climate change impacts to the CWMNW Facility. This evaluation is part of U.S. EPA's ongoing effort to ensure that climate change impacts to the long-term effectiveness of the design, construction, and controls for management of toxic and hazardous waste are considered when the agency takes an action such as issuing this Proposed Approval for management of PCBs.

U.S. EPA believes that this evaluation of potential climate threats to the site is appropriate per the authority under 40 C.F.R. §761.65(d)(4)(iv) and 40 C.F.R. §761.75(c)(3)(ii) to include requirements necessary to ensure that the operations of PCB storage and treatment units and the landfill do not present an unreasonable risk of injury to health or the environment from PCBs. No new or additional conditions were added to the Proposed Approval based on this climate change assessment.

U.S. EPA conducted a screening level climate change impact analysis for the Facility and the surrounding area using an internal U.S. EPA Region 10 tool. This GIS-based tool allows U.S. EPA staff to explore potential climate change impacts using data produced by federal agencies and other parties. U.S. EPA staff evaluated available data on landslide susceptibility, wildfire risk, and drought for the CWMNW Facility.

Based on current landslide susceptibility data produced by the National Aeronautics and Space Administration (NASA), U.S. EPA staff determined that there is a very low to moderate probability of landslides at the site (Figure 3). However, landslide susceptibility may increase as the frequency and intensity of precipitation and/or flooding and flash-flooding increases. These risks will be mitigated by sloping landfills to minimize landslides and inspecting and repairing infrastructure from any landslides that occur.

Based on an evaluation of annual burn probability provided by the United States Forest Service (USFS), U.S. EPA staff determined that the area has a 1:2154 to 1:100 chance of burning in a given year (Figure 4) (i.e., a one percent or less chance of burning). The CWMNW Facility is located in arid conditions and much of the vegetation has been removed from the site for Facility operations, with the exception of the vegetated landfill caps. The vegetation surrounding the Facility is characteristic of the Columbia River Plateau, composed predominantly of sagebrush and grasses. The National Oceanic and Atmospheric Administration (NOAA) Climate Prediction Center currently estimates that the site is not in an area experiencing drought; however, this should not be interpreted as indicating that the area will not experience drought conditions in the future. CWMNW has procedures for training personnel on incident response described in Application Appendix E, Security Procedures, Hazards Prevention and Training Plan, for addressing fires at the Facility.

U.S. EPA was not able to evaluate other potential climate change impacts for the site and was not able to assess flood risk because the Federal Emergency Management Agency (FEMA) national Flood Hazard Layer tool does not include data for the county where CWMNW is located. The Fourth National Climate Assessment, published by the U.S. Global Change Research Program in 2018, notes that infrastructure in the Pacific Northwest will be susceptible to extreme weather conditions including heat waves and heavy rains, but we do not currently have predictive tools to evaluate the potential for these climate impacts at the Facility.

11. Proposed Action

The Proposed Approval authorizes CWMNW to store for disposal, treat for disposal, and dispose of PCB wastes at the Facility. U.S. EPA has concluded, based upon Agency review of the Application, its supporting documents, and other information provided by CWMNW that the renewal and modification of the Approval, along with the additional conditions included in the Proposed Approval, satisfies the requirements of TSCA and 40 C.F.R. Part 761 for storage for disposal, treatment for disposal, and disposal of PCBs in an approved landfill. U.S. EPA has also concluded that PCB operations at the Facility do not pose an unreasonable risk of injury to human health and the environment.

The Proposed Approval strengthens the management of PCBs at the Facility by updating items from the 2006 approval, including the following:

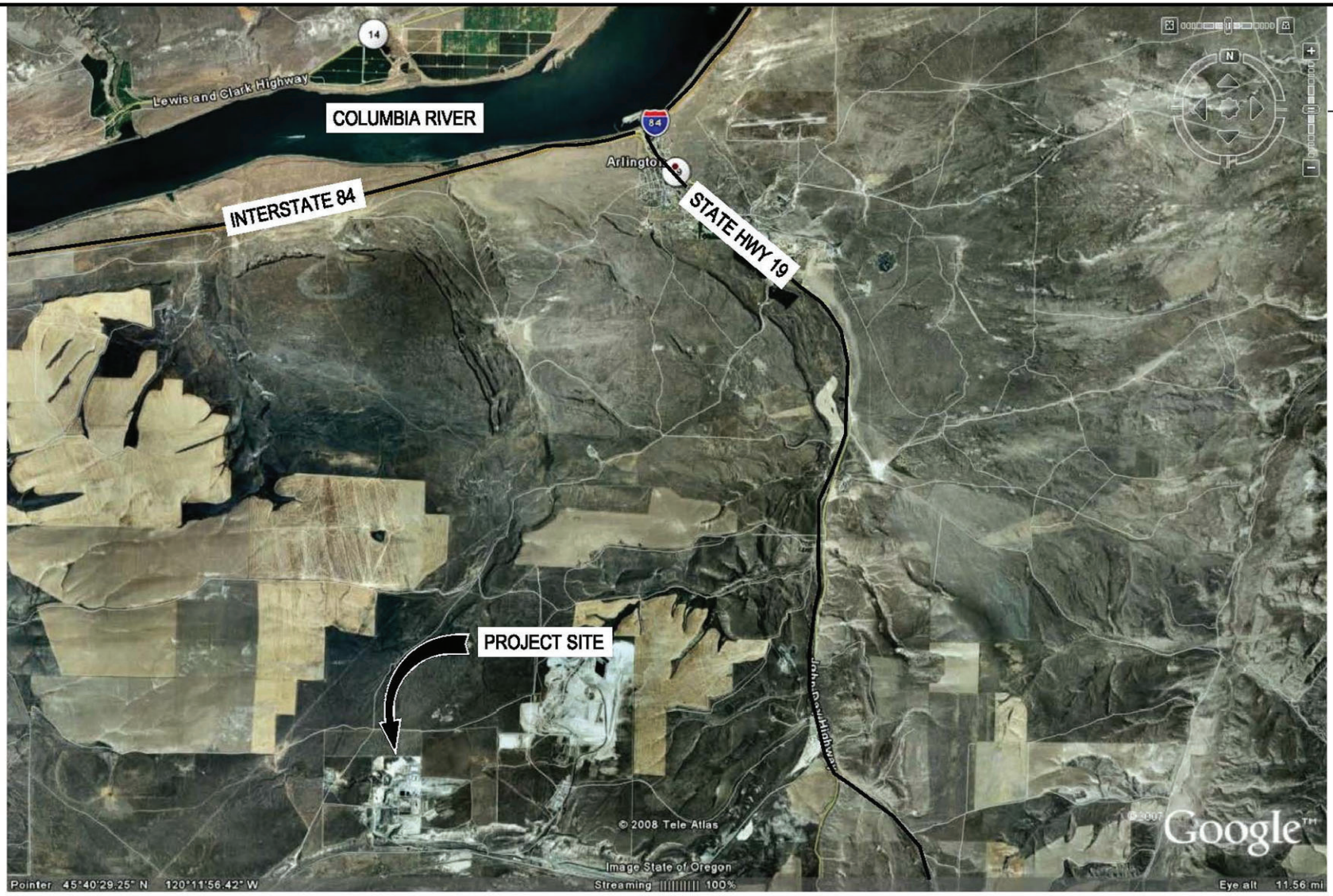
- Authorizes Unit L-14 Cell 5, a RCRA permitted landfill cell, to accept PCB waste for disposal;
- Authorizes temporary (up to 30 days) and long-term (up to one year unless extended under 40 C.F.R. §761.65(a)(2) and (3)) storage of PCB containerized waste in storage areas;
- Authorizes, with conditions, using untreated leachate from landfills L-14 for dust suppression within the footprint of the landfill;
- Requires quarterly wipe sampling for PCB analysis of the floors in the areas of the buildings in which PCB waste is processed for disposal;
- Requires that soils beneath any PCB units that will be fully demolished during closure in accordance with the most current version of the Facility Closure/ Post-Closure Plan, be tested for

PCBs and removed if PCB concentrations exceed 1 mg/kg or as otherwise specified by U.S. EPA;

- Shortens spill reporting timeframes to U.S. EPA from two business days to 24 hours;
- Shortens notification to U.S. EPA of detecting PCBs in leachate samples from 48 hours to 24 hours;
- Restricts mineral oil dielectric fluid from disposal in the landfill;
- Reduces the PCB concentration of liquids that can be solidified for landfill disposal;
- Adds updated recordkeeping and reporting requirements; and
- General administrative changes and clarifications are made including, but not limited to, updating the U.S. EPA contact information.

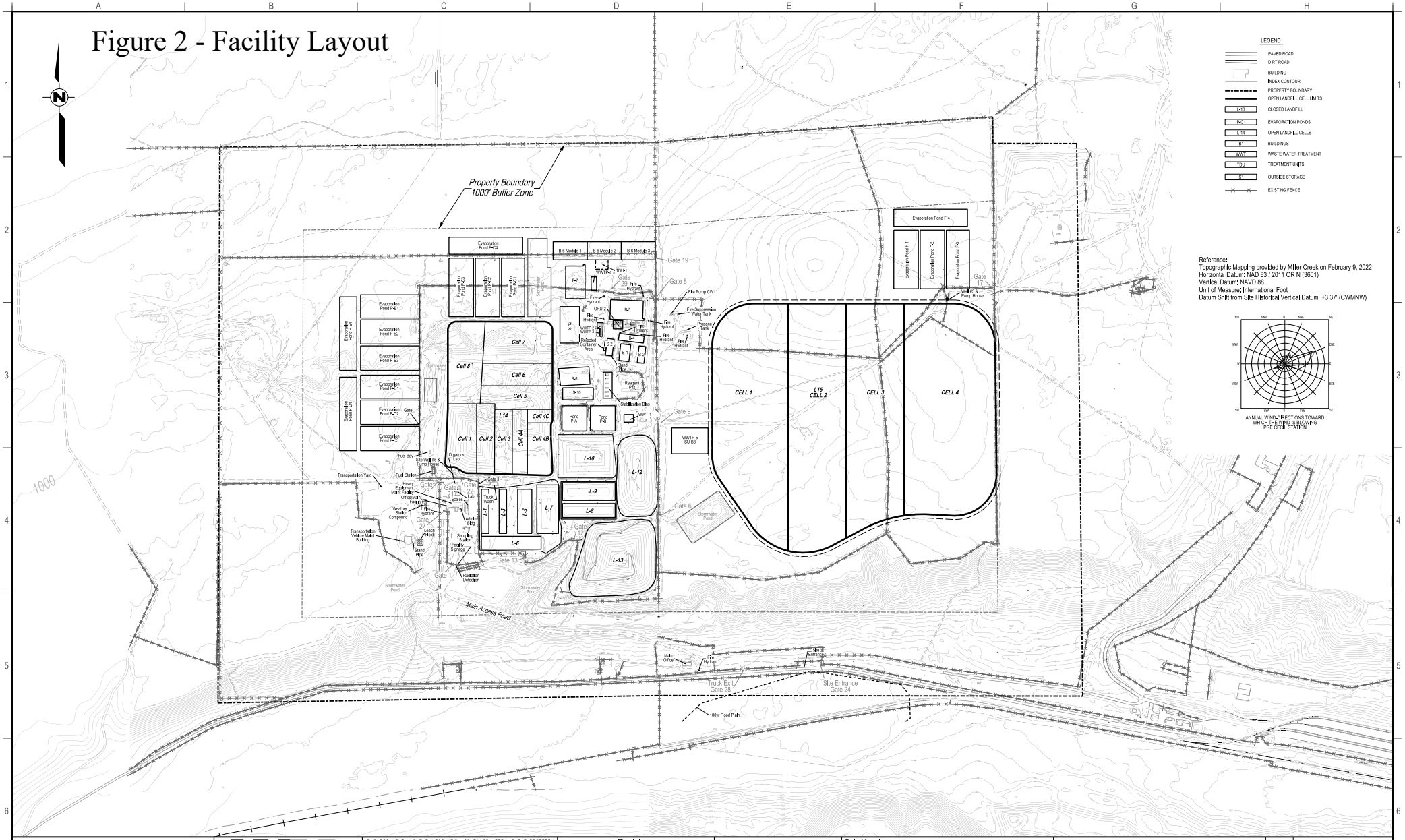
For additional information on U.S. EPA's rationale for this Proposed Approval, see the documents included in the Administrative Record, incorporated by reference herein.

Figure 1 - Site Location Map



SCS ENGINEERS Environmental Consultants and Contractors 2405 140th Avenue NE, Suite 107 Bellevue, Washington 98005 (425) 746-4600 FAX: (425) 746-6747		PROJECT NO. 01200266.04	DES BY LEL	FACILITY LOCATION MAP CHEMICAL WASTE MANAGEMENT OF THE NORTHWEST, INC ACDP MODIFICATION APPLICATION	DATE November 2019
		SCALE N.T.S.	CHK BY EMS		FIGURE 1
		CAD FILE FIGURE 1	APP BY PSS		

Figure 2 - Facility Layout



250 0 250 500
SCALE IN FEET

WASTE MANAGEMENT

Revisions			
No.	Description	Date	By

Approved By: Dave Rettell
Checked By: Ben Arata
Drawn By: Bullseye Design Services, Inc.

Project Location:
Chemical Waste Management
Of the Northwest, Inc.
Arlington, Oregon

Part B Permit - Figure 1-1

Site ID:	OR05 - 2236	
Scale:	1" = 500'	Drawing No. 1-1
Date:	November 2022	

Or05_Overall Site Plan 2022.dgn 11/9/2022 1:21:30 PM

Figure 3 - National Aeronautics and Space Administration Landslide Susceptibility

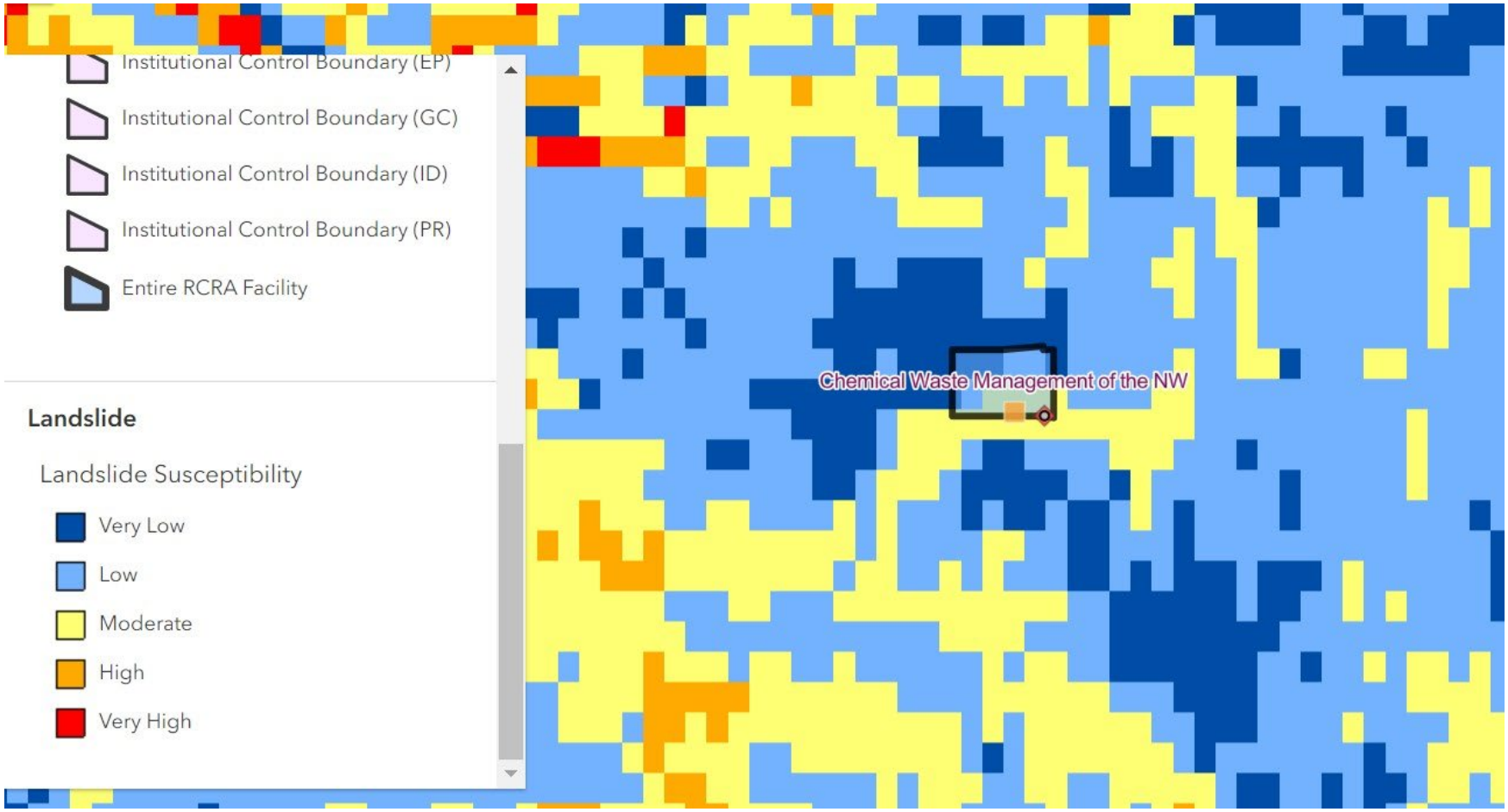
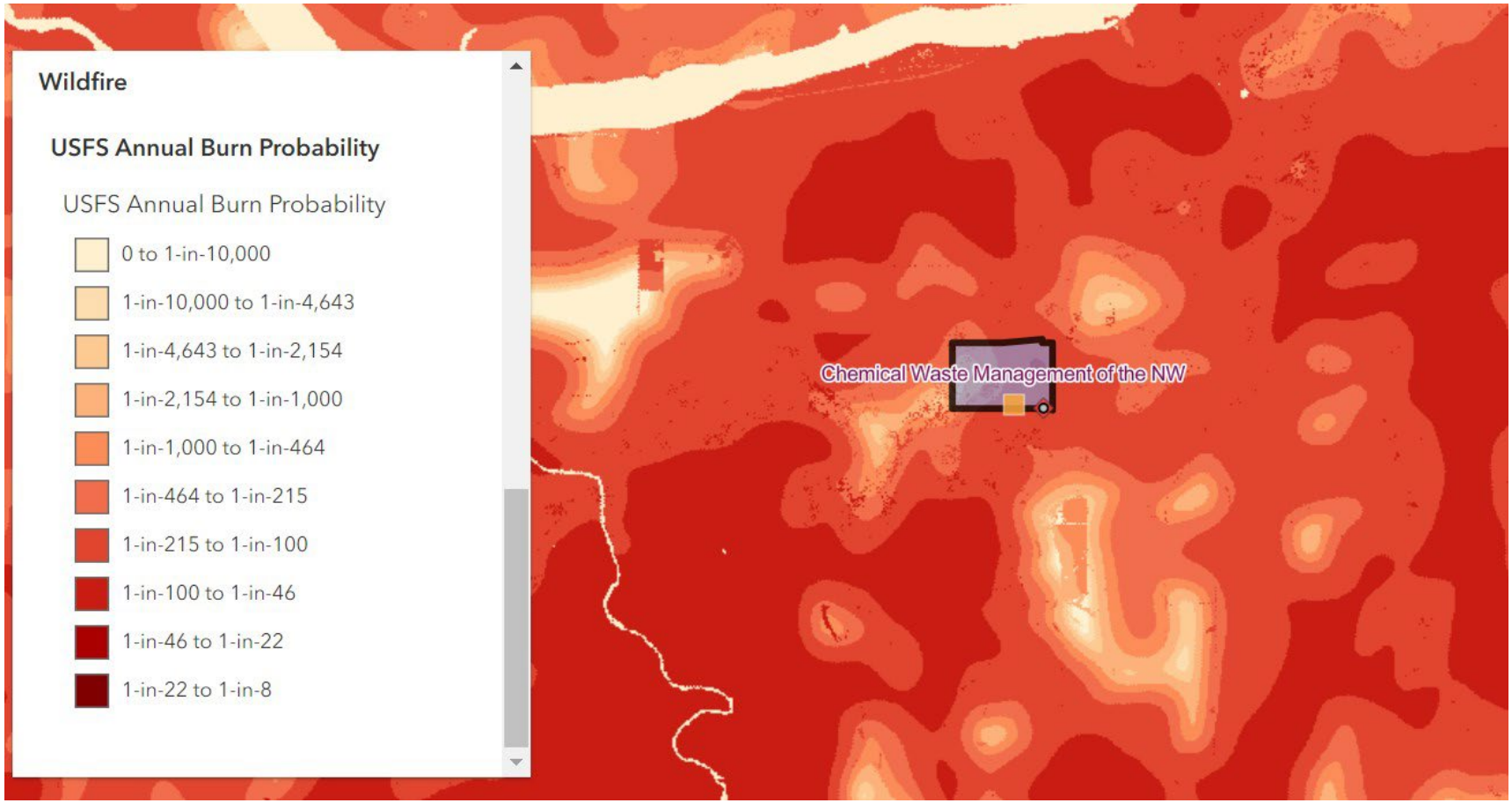


Figure 4 - U.S. Fish and Wildlife Service Annual Burn Probability



Statement of Basis Exhibit A

CWMNW Employee Qualifications

As provided in Sections 3.25 and 3.26 of the Final Application for Commercial Disposal of Polychlorinated Biphenyls (PCBs) under the Toxic Substances Control Act (TSCA) Chemical Waste Management of the Northwest, Inc. (CWMNW), with revisions submitted to U.S. EPA on August 31, 2023:

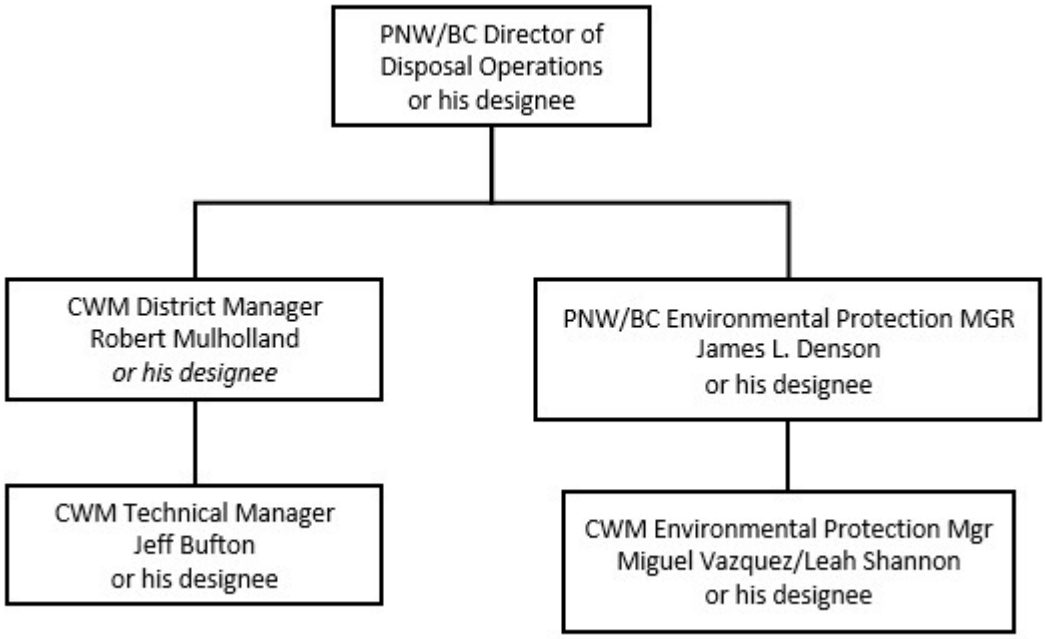


Figure 1. Chemical Waste Management, Inc. – Arlington Oregon Facility Management Structure

District Manager – Robert Mulholland

• 37 years in the hazardous waste industry, including TSCA waste management

• 5 years at CWMNW Facility

Environmental Protection Manager – Leah Shannon

• 38 years in the hazardous waste industry, including TSCA waste management

• 8 years at CWMNW in current position

Environmental Protection Manager – Miguel Vazquez

• 20 years in the solid waste industry

• 9 months at CWMNW in current position

Technical Manager – Jeff Bufton

• 31 years in the hazardous waste industry at CWMNW, including TSCA waste management

Statement of Basis Exhibit B

Justification for Use of Omnibus Provisions

TSCA Approval – Chemical Waste Management of the Northwest

The Toxic Substances Control Act (TSCA) omnibus provisions are located at 40 C.F.R. §761.65(d)(4)(iv) and §761.75(c)(3)(ii). The omnibus provisions allow U.S. EPA to include requirements in a TSCA Approval beyond those explicitly set forth in the regulations when the Agency finds that an Approval Condition is necessary to ensure that PCB storage and disposal operations at a facility "will not pose an unreasonable risk of injury to health or the environment." U.S. EPA is including in the Proposed Chemical Waste Management of the Northwest (CWMNW) Approval certain conditions not supported by an existing TSCA regulation. For these conditions, U.S. EPA has made a determination that the standards for use of the omnibus provisions are satisfied as follows:

Condition	Justification
IV. General Approval Conditions	
IV.B.3 (General Requirements)	U.S. EPA must ensure protection of human health and the environment through preventing contaminant releases and minimizing physical hazards. To mitigate these concerns, CWMNW must design, construct, maintain, and operate the Facility to prevent fire, explosion, or any unplanned sudden or non-sudden release of hazardous waste constituents to air, soil, ground water, or surface water.
IV.B.4 (General Requirements)	CWMNW must keep a copy of the Approval on-site. This condition is necessary so that the Approval is readily available for Facility staff to refer to. This will facilitate compliance with Approval conditions by having them easily accessible. This condition will allow inspectors to verify that the Facility is using the current version of the Approval and have a common reference of Approval conditions during inspections.
IV.B.10 (General Requirements)	PCB Units can create a risk to public health or the environment if not managed properly, both during ongoing operations and after closure. Continued post-closure maintenance of the landfill covers, leachate collection system and groundwater monitoring network is essential for ensuring that the landfills do not release PCBs, which will remain on-site indefinitely, into the environment.
IV.C.1 (General Waste Management)	This condition is necessary to prevent dangerous conditions at the Facility resulting from improper commingling of non-PCB wastes with PCB wastes, which could lead to releases of PCBs or other contaminants that are a risk to human health and the environment. This condition applies to all PCB units at the Facility and is consistent with requirements set forth in 40 C.F.R. §§761.75(b)(8)(i) and (iii) and under the Resource Conservation and Recovery Act (RCRA).
IV.D.1 and IV.D.2 (Personnel Training)	Training is important because facility workers must be adequately prepared to safely handle PCB waste and respond to emergencies such as accidental spills. This is consistent with the requirements set forth in 40 C.F.R. §761.65(d)(3)(iii). These conditions expand upon the requirements listed in 40 C.F.R. Part 761, which EPA believes is necessary to protect public health and the environment given the scope and scale of PCB and hazardous waste operations at the Facility.
IV.E.1 (Health and Safety Requirements)	Ensuring the health and safety of workers by following the applicable worker safety regulations and plans is important to minimize potential harm to human health from persistent exposure to PCBs.

Condition	Justification
IV.F.2 through IV. F.14 (Emergency Preparedness and Spill Cleanup)	The Approval requires that CWMNW implement site-specific emergency preparedness plans, provide notification to U.S. EPA of PCB spills, and provide written reports of PCB spill incidents. These Approval conditions ensure both that CWMNW uses appropriate procedures for managing incidents at the Facility and also provides U.S. EPA with authority to ensure that these procedures are sufficient to prevent risks to public health and the environment. These conditions also allow U.S. EPA to ensure that CWMNW complies with the Approval conditions and promptly responds to PCB spills and emergencies in a safe manner to minimize potential harm to human health and the environment. Some conditions include PCB-related Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA) and RCRA requirements that are not identified in TSCA.
IV.G.1 and IV G.2 (Entry and Agency Inspection)	These Approval conditions provide U.S. EPA with inspection and information gathering authorities to determine compliance with applicable statutes, regulations and Approval conditions. Given the scope and scale of PCB operations at the Facility, it is necessary for U.S. EPA representatives to have access to the Facility and applicable records to ensure that operations are conducted in compliance with the Approval and in a manner that does not create an unreasonable risk of injury to human health and the environment.
IV.H.1 through IV.H.3 (General Inspection Requirements)	The Approval requires that CWMNW representatives conduct on-site inspections of the PCB storage units, treatment units, and chemical waste landfills. The inspections are important for ensuring that equipment used for communications, fire protection, spill control, decontamination, and groundwater monitoring are in proper working order and properly maintained to serve their functions. They are also critical for identifying potential problems such as leaks that need to be corrected as soon as possible such that they do not create hazardous situations for human health and the environment.
IV.I.1 (Security)	The Approval requires that CWMNW operate and maintain security systems for the PCB storage units and chemical waste landfills. Security systems need to be maintained to prevent unauthorized access by the public to potentially dangerous areas of the Facility, which could cause harm to those accessing the Facility and also presents a risk of a release of PCBs or other hazardous waste.
IV.K.1 through IV.K.4 (Post-Closure Cost Estimate)	The Approval requires that CWMNW maintain a closure cost estimate for post-closure care of the chemical waste landfills. The post-closure care cost estimate for the landfills is a first step toward ensuring that there is adequate funding available for post-closure care of these units. It is important that there be funding available to ensure that the landfill covers, leachate collection systems, and groundwater monitoring network remain operable after the units are closed. Since PCBs will remain in the closed landfills indefinitely, it is essential to monitor conditions to minimize potential releases of these compounds.
IV.L.1 and IV.L.2, IV.L.4 and IV.L.5 (Financial Assurance for Closure and Post-Closure)	The Approval requires that CWMNW maintain financial assurance for the closure of all active PCB units and for post-closure care of the closed landfills. It is important that funding be maintained for closure and post-closure care to ensure that all units that manage PCBs will be closed and maintained in a manner that prevents possible future releases of these compounds into the environment. Due to the high toxicity and persistence of PCBs, it is important to prevent any releases that could impact ecological and human receptors. Financial assurance ensures the costs of cleanup are placed on owner/operators rather than taxpayers.

Condition	Justification
IV.M.1 through IV.M.3 (Liability Insurance)	The Approval requires maintenance of the existing liability insurance. Liability insurance is important to ensure proper funding is available for responding to any major accidents involving PCBs at the Facility.
IV.N.2 through IV.N.5 (Recordkeeping and Reporting)	The Approval requires implementation of the recordkeeping and reporting provisions of the Application along with other reporting requirements for completion of PCB cleanups, unusual occurrences, and landfill capacity. Recordkeeping and reporting are important because they allow U.S. EPA to monitor activities at the Facility and check compliance with the Approval. This U.S. EPA oversight ensures that operations are carried out in a manner consistent with protection of public health and the environment.
V. Conditions for Storage, Processing, and Treatment of PCBs	
V.B.2 through V.B.5 (PCB Waste Storage in Containers)	These Approval conditions establish site-specific container storage conditions to allow unobstructed access to the containers by personnel, fire protection equipment, and decontamination equipment. These conditions incorporate best management practices for storing hazardous waste containers to prevent damage, leaks, and spills. Many of these provisions are included in Application Appendix J, Waste Storage Design and Operations Plan.
V.D.1 (Processing and Treatment for Disposal of PCB-Containing Waste)	The Approval allows CWMNW to manage PCB liquids in certain types of PCB articles. These PCB liquids can contain high PCB concentrations and pose a significant risk to human health and the environment, such that they are prohibited from disposal at the Facility. Due to the risk associated with management of these materials, U.S. EPA has incorporated conditions that require recordkeeping and reporting of activities involving PCB liquids to ensure effective oversight of the activities.
V.D.2.c (Processing and Treatment for Disposal of PCB-Containing Waste)	The Approval requires compliance with a RCRA statute applicable to halogenated organic compounds, which include PCBs. This provision aligns RCRA treatment provisions with TSCA requirements.
V.D.2.d (Processing and Treatment for Disposal of PCB-Containing Waste)	The Approval limits the kinds of PCB waste that may be treated at the Facility. This ensures that CWMNW is not treating PCB wastes in a manner that is harmful to human health and the environment. This also ensures that no wastes are treated for landfill disposal that are not allowed under 40 C.F.R. §761.75.
V.E.1 through V.E.4 (Operational and Regulatory Requirements for Processing and Treatment)	The Approval contains operational and regulatory conditions for treating PCB-containing wastes prior to disposal at the Facility. While the TSCA regulations only require treatment prior to disposal of certain incidental liquids under 40 C.F.R. §§761.60(a)(3) and 761.75(b)(8)(ii), RCRA regulations require treatment for some types of hazardous wastes prior to disposal in a landfill. In some cases, these wastes may need to be managed both as RCRA hazardous waste and as PCB waste. These Approval conditions ensure that treatment operations are conducted in a safe manner and that the treatment units are closed properly to minimize the chance of future PCB releases into the environment.

Condition	Justification
V.F.1 and V.F.2 (PCB Sampling of Treatment Units)	The Approval requires quarterly PCB sampling of the indoor treatment units. This requirement is important because it ensures that accidental releases of PCBs are detected and adequately cleaned up in a timely manner.
V.H.5 (Closure of Storage and Treatment Units)	The Approval includes closure conditions requiring sampling and cleanup of soil in storage, processing, and treatment areas. These requirements are important to ensure that storage and treatment operations are conducted in a safe manner and that the storage and treatment units are closed properly to minimize the chance of future PCB releases into the environment. V.H.5 aligns closure under the Approval with TSCA cleanup provisions under 40 C.F.R. §§761.61(a)(4)(i)(A) and (c).
VI. Conditions for Landfill Disposal of PCBs	
VI.A.3 through VI.A.5 (Approved Landfill Units and Maximum Disposal Capacities)	The Approval (1) specifies the maximum allowable disposal capacity for the L-14 landfill Cells 1-5, (2) requires CWMNW to include remaining disposal capacities for each landfill in the annual report, and (3) requires that CWMNW construct Cell 5 in accordance with the specified requirements. It is important that the Approval limit maximum disposal capacity such that excessive and unsafe amounts of PCB wastes are not disposed of in the landfills. This minimizes the potential for PCB releases to the environment by not overfilling the L-14 landfill Cells 1-5. To properly oversee PCB operations at the CWMNW Facility, U.S. EPA must be informed about the remaining disposal capacity in each of the operating landfills, and therefore these conditions require annual capacity status reports to U.S. EPA. To ensure that Cell 5 is constructed in a properly engineered manner to optimally contain PCBs within the landfill into the future, it is important that CWMNW complete construction in accordance with the approved plans and specifications.
VI. C.1.e and VI.C.1.f (Disposal Prohibitions)	CWMNW must comply with the regulations for disposal of mixed RCRA and TSCA wastes, which ensure that all regulatory requirements are being met. In addition, CWMNW may not dispose of radiologically contaminated waste, which is regulated by the Nuclear Regulatory Commission and U.S. Department of Energy.
VI.D.1 and VI.D.4 (Landfill Operations and Management of Wastes)	CWMNW must maintain and operate the L-14 landfill to prevent fire, explosion, or any unplanned sudden or non-sudden release of hazardous waste constituents to air, soil, ground water, or surface water that could threaten human health or the environment. The Approval allows CWMNW, if certain criteria are satisfied, to use untreated leachate from the L-14 landfill for dust suppression only on the active parts of the landfill. Requiring that leachate can only be applied on active portions of the landfills ensures that it is used on areas that are already impacted by waste materials and will not contaminate other locations.

Condition	Justification
VI.E.3 through VI.E.5 (Groundwater Monitoring)	The Approval requires that CWMNW (1) report to U.S. EPA any detections in groundwater of PCBs, (2) maintain the groundwater monitoring wells, (3) receive written approval from U.S. EPA before abandoning or decommissioning groundwater monitoring wells, and (4) submit one groundwater monitoring report per year to U.S. EPA. Maintaining the groundwater monitoring wells is important to ensure that they are in good working order and able to detect any PCB releases from the Facility. Installation or decommissioning of wells must follow the proper procedures in order to ensure that new wells are capable of obtaining representative groundwater samples and decommissioned wells are removed without causing any contamination of the groundwater. Notification of PCB detections in groundwater and submission of one groundwater monitoring report per year is essential for proper U.S. EPA oversight of PCB operations at the Facility regarding releases to groundwater.
VI.F.2 through VI.F.4 (Leachate Management, Monitoring, Sampling, and Disposal, and Reporting)	These Approval conditions require that CWMNW monitor leachate at the landfill to ensure that specified limits are not exceeded, maintain records of these activities, and report this information—including any exceedances—to U.S. EPA. Release of PCBs through leachate represents one of the pathways of highest risk regarding contamination of groundwater resources. Compliance with these conditions is important because they specify the procedures and protocols for operating the leachate collection and detection systems in a manner that best ensures no releases of PCBs to groundwater. Monitoring the leachate fluid levels and limiting the leachate fluid levels to a maximum of one foot is important to ensure that excessive hydraulic pressure does not build up on the protective landfill liner systems which could cause them to fail. Reporting the test results is essential for proper U.S. EPA oversight of PCB operations at the Facility. Maintaining records of the leachate levels and volumes pumped and requiring written agency notification if excessive levels of leachate build up is important for safe operation of the landfills and for proper U.S. EPA oversight.
VI.G.1 through VI.G.3 (Inspection Requirements for Landfill Units)	The Approval requires that CWMNW (1) inspect Landfill L-14 weekly, (2) inspect the landfills within 24 hours of a storm event of 0.25 inches or greater or sustained wind speed conditions exceeding 25 miles per hour, (3) evaluate and address all deficiencies identified during the required inspections, and (4) document the findings and follow-up responses for all inspections of the landfills. Routine inspection of the landfills is essential for identifying potential problems that need to be addressed. Correcting problems that are identified during an inspection is important for ensuring that the landfills are operated in a safe and effective manner that minimizes the potential for PCB releases into the environment. Documentation of internal inspections of the landfills is critical for ensuring that potential problems are addressed and for U.S. EPA's ability to conduct effective oversight of Facility operations.
VI.H.1 through VI.H.4 (Closure of Landfill Units)	This Approval condition ensures that the Closure/ Post-Closure Plan is consistent with current Facility operations so that CWMNW can close the landfill units in a safe manner that will limit the possibility of future PCB releases.

Condition	Justification
VI.I.1 through VI.I.11 (Post-Closure Care for Landfill Units)	The Approval requires post-closure care for all landfill units used to dispose of PCBs. Post-closure care is important to ensure that the closed landfills are adequately maintained into the future. Continued maintenance of the landfill covers, leachate collection system and groundwater monitoring network are essential for ensuring that the landfills do not release PCBs, which will remain on-site indefinitely, into the environment.
VII. Procedures to Modify, Transfer, Revoke, Suspend, Deny, Continue or Renew	
Entire Section VII	The Approval specifies the administrative procedures to modify, transfer, revoke, suspend, deny, continue, or renew the Approval. These procedures are important because they enhance U.S. EPA's ability to oversee Facility operations and ensure that CWMNW complies with the Approval. These procedures are also necessary to allow the modification or adjustment of the Approval to address issues that may occur during future operations (e.g., need for a modification to include a new unit). To be maximally protective, the terms and conditions of the Approval should reflect the most current configuration and operation of the Facility. Also, the ability to revoke or deny the Approval is necessary in case the Facility or its operations is ever determined to pose an unreasonable risk and operations must be terminated at the site. Finally, while the TSCA regulations at 40 C.F.R. §761.65 and §761.75 do not explicitly include terms covering how to modify, transfer, revoke, suspend, deny, or renew the Approval, U.S. EPA interprets its authority under these provisions to issue an Approval as also providing authority to undertake these associated permit processing actions.

Statement of Basis Exhibit C

National Historic Preservation Act Documentation

Chemical Waste Management of the Northwest (CWMNW) Storage and Disposal Approval for Polychlorinated Biphenyls under the Toxic Substances Control Act – Analysis for Compliance with the National Historic Preservation Act of 1966 ("NHPA")

Section 106 of the NHPA requires federal agencies to account for the effect of an undertaking on any historic property. To the extent that the United States Environmental Protection Agency Region 10's (U.S. EPA) proposed decision to approve the operation of Chemical Waste Management of the Northwest (CWMNW) for storage and disposal of PCBs under the Toxic Substances Control Act (TSCA) 40 CFR § 761.65 and § 761.75 constitutes an undertaking within the meaning of 36 CFR 800.16(y), this decision was reviewed for compliance with the NHPA.

Basis of Analysis under NHPA:
36 CFR 800.16(i)
36 CFR 800.16(l)
36 CFR 800.3(a)(1)

Federal Action Summary:
U.S. EPA proposes to renew the Approval for storage and disposal of polychlorinated biphenyls (PCBs) at the CWMNW facility (Facility) near Arlington, Oregon. The Facility started operating as a chemical waste disposal site in the 1970s. The Facility has been operating under an existing Approval issued in August 2006. The Facility submitted a final application for renewal and modification of the Approval in May 2023. U.S. EPA is proposing to issue the renewal and modification of this Approval to CWMNW as the current owner and operator of the Arlington Facility.

This Approval will allow CWMNW to (1) continue to dispose of non-liquid PCB waste in an existing landfill (L-14 Cells 1-4), (2) dispose of non-liquid PCB waste in a landfill cell to be built (L-14 Cell 5), (3) store for treatment and disposal containerized and bulk PCB waste and PCB Items in existing and to-be-constructed waste storage areas, and (4) process and treat PCB-containing wastes prior to disposal.

Analysis:
A Section 106 analysis is typically conducted for projects that involve construction, alteration, renovation, or ground disturbing activities. While the issuance of an authorization may meet the definition of "undertaking" in 54 U.S. Code § 300320 ("*project, activity, or program funded in whole or in part under the direct or indirect jurisdiction of a Federal agency, including… those requiring a Federal permit, license, or approval"*), the renewal of a previously approved "undertaking" is not explicitly addressed by the NHPA.

Historic property is any property eligible for or on National Register of Historic Places, or properties with Tribal religious, subsistence, or cultural importance. The definition of undertaking is broad and is determined case by case.

State Historical Property Search:

U.S. EPA staff reviewed the Historic Sites Database on the State webpage: https://www.oregon.gov/oprd/OH/pages/national-register.aspx. U.S. EPA staff searched for Gilliam County then zoomed into the location on the map where CWMNW is located (Figure 1). The closest eligible historical site is about four miles away from CWMNW (Figures 2 and 3).

None are on, immediately near, or in the vicinity of the CWMNW property. There is no further action that needs to happen related to this aspect of the search.

For consistency with Oregon Department of Environmental Quality (ODEQ)'s Resource Conservation and Recovery Act (RCRA) permit issued to CWMNW, and to unnecessarily avoid duplicating ODEQ's efforts, U.S. EPA staff also contacted ODEQ. U.S. EPA asked what ODEQ had already done regarding consulting with the State Historic Preservation Officer (SHPO) concerning NHPA (or any Oregon state equivalent) for the RCRA permit. ODEQ referred U.S. EPA to the Gilliam County rezoning evaluation of the Facility done in July 2022 for the proposed Facility expansion, which identified 125 Historic Sites within the county—none of which are within the vicinity of the CWMNW Facility or likely to be impacted by continued Facility operations

Accounting for Areas of Tribal Significance:

U.S. EPA also evaluated whether the CWMNW property, particularly where new units will be constructed, has Tribal religious, subsistence, or cultural importance. There is no database for this information like for historic sites. There is not one Tribal Historic Preservation Officer (THPO) for State of Oregon. Instead, each Tribe has its own THPO.

On December 7, 2022, U.S. EPA hosted a Tribal coordination webinar for THPOs and Tribal technical staff of the Yakama Nation, Confederated Tribes of Grand Ronde, Burns Paiute Tribe, Confederated Tribes of the Umatilla Indian Reservation, Nez Perce Tribe, Cowlitz Indian Tribe, and Columbia River Inter-Tribal Fish Commission. The purpose was to describe the proposed action at the CWMNW Facility and request input on whether there were any impacts to Tribal cultural, traditional, or subsistence resources. On January 19, 2023, U.S. EPA emailed the THPOs and technical staff with more specific information on the proposed NHPA assessment language. No areas with Tribal cultural, subsistence, or ceremonial interest have been identified as potentially being impacted by the proposed action during the Tribal coordination process.

Conclusion:

The PCB storage and disposal approval for CWMNW does not have the potential to affect historic properties based on U.S. EPA's research. Therefore, U.S. EPA concludes that it has no further obligations under Section 106 of the NHPA as part of this proposed Approval.

Figure 1. Historical properties adjacent to the CWMNW facility.

Figure 2. Historical properties near the CWMNW facility with an aerial view.

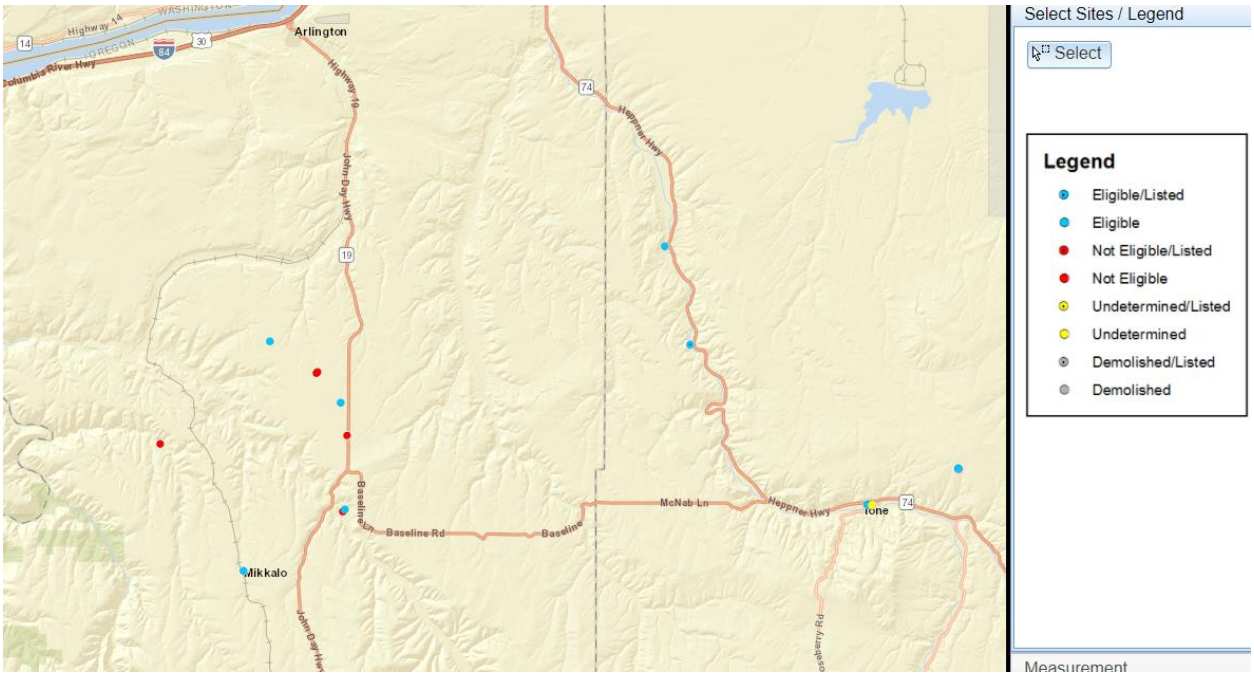


Figure 3. Historical properties near the CWMNW facility showing roads.

Statement of Basis Exhibit D

Environmental Justice Documentation

EJSCREEN ACS Summary Report

Location: User-specified point center at 45.624900, -120.252659
Ring (buffer): 5-miles radius
Description: CWMNW 5 mile

Summary of ACS Estimates	2015 - 2019
Population	19
Population Density (per sq. mile)	0
People of Color Population	3
% People of Color Population	16%
Households	9
Housing Units	11
Housing Units Built Before 1950	3
Per Capita Income	25,142
Land Area (sq. miles) (Source: SF1)	69.05
% Land Area	96%
Water Area (sq. miles) (Source: SF1)	2.75
% Water Area	4%

	2015 - 2019 ACS Estimates	Percent	MOE (±)
Population by Race			
Total	19	100%	119
Population Reporting One Race	18	96%	203
White	16	85%	112
Black	0	0%	12
American Indian	1	7%	42
Asian	0	1%	10
Pacific Islander	0	1%	11
Some Other Race	0	1%	16
Population Reporting Two or More Races	1	4%	40
Total Hispanic Population	1	6%	40
Total Non-Hispanic Population	18		
White Alone	16	84%	113
Black Alone	0	0%	12
American Indian Alone	1	7%	42
Non-Hispanic Asian Alone	0	1%	10
Pacific Islander Alone	0	1%	11
Other Race Alone	0	0%	12
Two or More Races Alone	0	1%	12
Population by Sex			
Male	9	49%	67
Female	10	51%	81
Population by Age			
Age 0-4	1	6%	24
Age 0-17	5	25%	48
Age 18+	14	75%	88
Age 65+	3	14%	38

Data Note: Detail may not sum to totals due to rounding. Hispanic population can be of any race.
N/A means not available. **Source:** U.S. Census Bureau, American Community Survey (ACS) 2015 - 2019 .

EJSCREEN ACS Summary Report

Location: User-specified point center at 45.624900, -120.252659
Ring (buffer): 5-miles radius
Description: CWMNW 5 mile

	2015 - 2019 ACS Estimates	Percent	MOE (±)
Population 25+ by Educational Attainment			
Total	13	100%	84
Less than 9th Grade	0	3%	19
9th - 12th Grade, No Diploma	1	5%	23
High School Graduate	5	37%	54
Some College, No Degree	4	27%	52
Associate Degree	1	9%	26
Bachelor's Degree or more	3	19%	43
Population Age 5+ Years by Ability to Speak English			
Total	18	100%	111
Speak only English	18	98%	105
Non-English at Home[1+2+3+4]	0	2%	20
[1]Speak English "very well"	0	1%	19
[2]Speak English "well"	0	0%	13
[3]Speak English "not well"	0	0%	12
[4]Speak English "not at all"	0	0%	12
[3+4]Speak English "less than well"	0	0%	12
[2+3+4]Speak English "less than very well"	0	0%	13
Linguistically Isolated Households*			
Total	0	0%	12
Speak Spanish	0	0%	12
Speak Other Indo-European Languages	0	0%	12
Speak Asian-Pacific Island Languages	0	0%	12
Speak Other Languages	0	0%	12
Households by Household Income			
Household Income Base	9	100%	52
< $15,000	1	11%	26
$15,000 - $25,000	0	5%	16
$25,000 - $50,000	3	29%	36
$50,000 - $75,000	1	15%	24
$75,000 +	4	40%	43
Occupied Housing Units by Tenure			
Total	9	100%	52
Owner Occupied	5	57%	42
Renter Occupied	4	43%	44
Employed Population Age 16+ Years			
Total	15	100%	97
In Labor Force	10	68%	83
Civilian Unemployed in Labor Force	1	5%	28
Not In Labor Force	5	32%	52

Data Note: Datail may not sum to totals due to rounding. Hispanic population can be of anyrace.
N/A means not available. **Source:** U.S. Census Bureau, American Community Survey (ACS)
*Households in which no one 14 and over speaks English "very well" or speaks English only.

EJSCREEN ACS Summary Report

Location: User-specified point center at 45.624900, -120.252659
Ring (buffer): 5-miles radius
Description: CWMNW 5 mile

	2015 - 2019 ACS Estimates	Percent	MOE (±)
Population by Language Spoken at Home*			
Total (persons age 5 and above)	820	100%	22
English	787	96%	51
Spanish	28	3%	49
French	0	0%	12
French Creole	N/A	N/A	N/A
Italian	N/A	N/A	N/A
Portuguese	N/A	N/A	N/A
German	0	0%	12
Yiddish	N/A	N/A	N/A
Other West Germanic	N/A	N/A	N/A
Scandinavian	N/A	N/A	N/A
Greek	N/A	N/A	N/A
Russian	N/A	N/A	N/A
Polish	N/A	N/A	N/A
Serbo-Croatian	N/A	N/A	N/A
Other Slavic	N/A	N/A	N/A
Armenian	N/A	N/A	N/A
Persian	N/A	N/A	N/A
Gujarathi	N/A	N/A	N/A
Hindi	N/A	N/A	N/A
Urdu	N/A	N/A	N/A
Other Indic	N/A	N/A	N/A
Other Indo-European	0	0%	12
Chinese	0	0%	12
Japanese	N/A	N/A	N/A
Korean	4	0%	13
Mon-Khmer, Cambodian	N/A	N/A	N/A
Hmong	N/A	N/A	N/A
Thai	N/A	N/A	N/A
Laotian	N/A	N/A	N/A
Vietnamese	0	0%	12
Other Asian	1	0%	4
Tagalog	0	0%	12
Other Pacific Island	N/A	N/A	N/A
Navajo	N/A	N/A	N/A
Other Native American	N/A	N/A	N/A
Hungarian	N/A	N/A	N/A
Arabic	0	0%	12
Hebrew	N/A	N/A	N/A
African	N/A	N/A	N/A
Other and non-specified	0	0%	12
Total Non-English	33	4%	56

Data Note: Detail may not sum to totals due to rounding. Hispanic popultion can be of any race.
N/A meansnot available. **Source:** U.S. Census Bureau, American Community Survey (ACS) 2015 - 2019.
*Population by Language Spoken at Home is available at the census tract summary level and up.

EJScreen Report (Version 2.0)

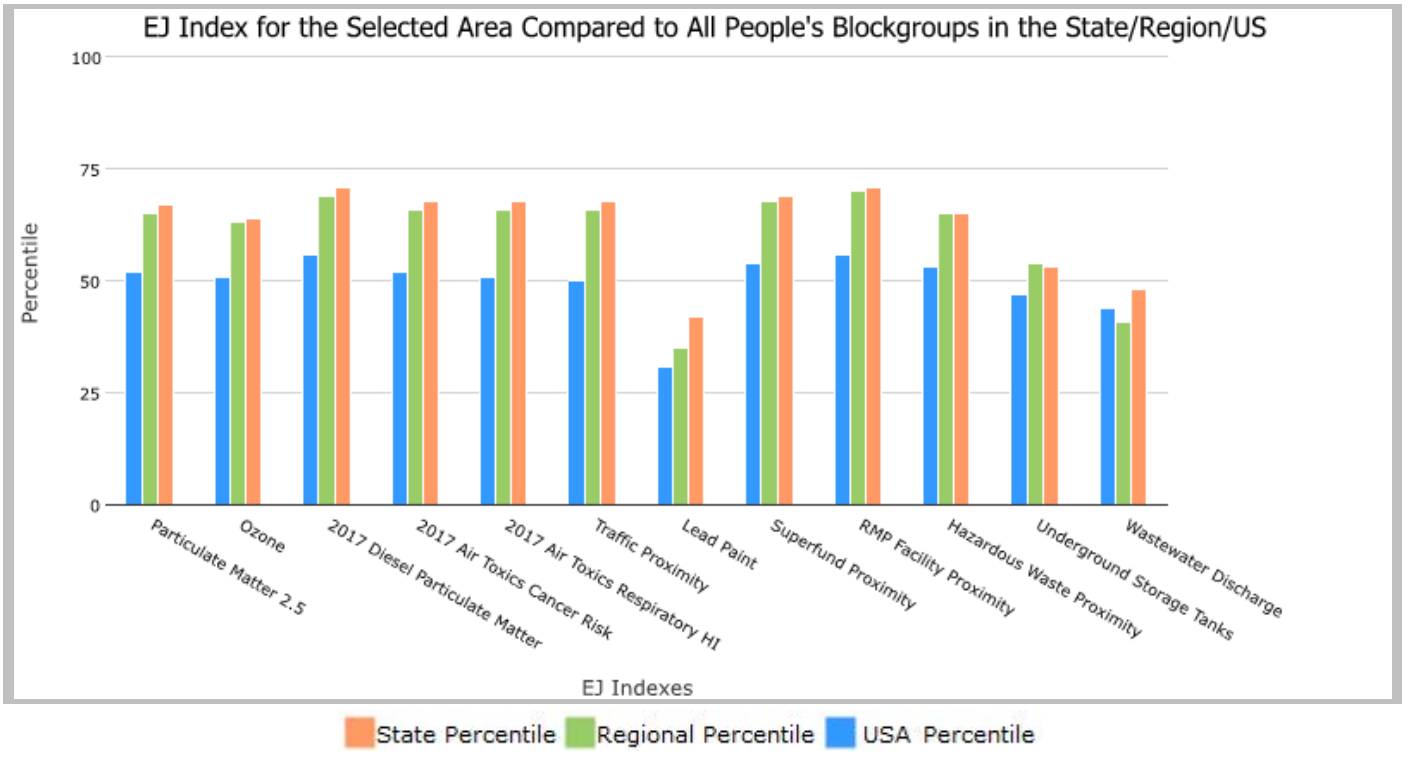
5 miles Ring Centered at 45.624900,-120.252659, OREGON, EPA Region 10

Approximate Population: 19

Input Area (sq. miles): 78.53

CWMNW 5 mile

Selected Variables	State Percentile	EPA Region Percentile	USA Percentile
Environmental Justice Indexes			
EJ Index for Particulate Matter 2.5	67	65	52
EJ Index for Ozone	64	63	51
EJ Index for 2017 Diesel Particulate Matter*	71	69	56
EJ Index for 2017 Air Toxics Cancer Risk*	68	66	52
EJ Index for 2017 Air Toxics Respiratory HI*	68	66	51
EJ Index for Traffic Proximity	68	66	50
EJ Index for Lead Paint	42	35	31
EJ Index for Superfund Proximity	69	68	54
EJ Index for RMP Facility Proximity	71	70	56
EJ Index for Hazardous Waste Proximity	65	65	53
EJ Index for Underground Storage Tanks	53	54	47
EJ Index for Wastewater Discharge	48	41	44



This report shows the values for environmental and demographic indicators and EJSCREEN indexes. It shows environmental and demographic raw data (e.g., the estimated concentration of ozone in the air), and also shows what percentile each raw data value represents. These percentiles provide perspective on how the selected block group or buffer area compares to the entire state, EPA region, or nation. For example, if a given location is at the 95th percentile nationwide, this means that only 5 percent of the US population has a higher block group value than the average person in the location being analyzed. The years for which the data are available, and the methods used, vary across these indicators. Important caveats and uncertainties apply to this screening-level information, so it is essential to understand the limitations on appropriate interpretations and applications of these indicators. Please see EJSCREEN documentation for discussion of these issues before using reports.

EJScreen Report (Version 2.0)

5 miles Ring Centered at 45.624900,-120.252659, OREGON, EPA Region 10

Approximate Population: 19

Input Area (sq. miles): 78.53

CWMNW 5 mile

Sites reporting to EPA	
Superfund NPL	0
Hazardous Waste Treatment, Storage, and Disposal Facilities (TSDF)	1

EJScreen Report (Version 2.0)

5 miles Ring Centered at 45.624900,-120.252659, OREGON, EPA Region 10

Approximate Population: 19

Input Area (sq. miles): 78.53

CWMNW 5 mile

Selected Variables	Value	State Avg.	%ile in State	EPA Region Avg.	%ile in EPA Region	USA Avg.	%ile in USA
Pollution and Sources							
Particulate Matter 2.5 (µg/m^3)	7.51	8.75	12	8.17	30	8.74	21
Ozone (ppb)	41.4	37	81	37.2	72	42.6	40
2017 Diesel Particulate Matter* (µg/m^3)	0.0428	0.345	7	0.312	<50th	0.295	<50th
2017 Air Toxics Cancer Risk* (lifetime risk per million)	20	33	15	33	<50th	29	<50th
2017 Air Toxics Respiratory HI*	0.3	0.47	15	0.47	<50th	0.36	<50th
Traffic Proximity (daily traffic count/distance to road)	23	590	12	600	13	710	14
Lead Paint (% Pre-1960 Housing)	0.36	0.25	75	0.22	77	0.28	68
Superfund Proximity (site count/km distance)	0.017	0.083	12	0.13	17	0.13	13
RMP Facility Proximity (facility count/km distance)	0.036	0.79	7	0.66	5	0.75	2
Hazardous Waste Proximity (facility count/km distance)	0.091	1.6	20	1.7	21	2.2	14
Underground Storage Tanks (count/km^2)	0.0093	3.4	25	4.5	23	3.9	16
Wastewater Discharge (toxicity-weighted concentration/m distance)	8E-05	0.004	43	0.53	50	12	30
Socioeconomic Indicators							
Demographic Index	27%	28%	56	28%	56	36%	45
People of Color	16%	24%	38	28%	33	40%	31
Low Income	39%	31%	69	28%	74	31%	67
Unemployment Rate	7%	5%	71	5%	74	5%	72
Linguistically Isolated	0%	2%	52	3%	47	5%	45
Less Than High School Education	9%	9%	57	9%	61	12%	49
Under Age 5	6%	6%	58	6%	52	6%	53
Over Age 64	14%	17%	44	16%	52	16%	51

*Diesel particular matter, air toxics cancer risk, and air toxics respiratory hazard index are from the EPA's 2017 Air Toxics Data Update, which is the Agency's ongoing, comprehensive evaluation of air toxics in the United States. This effort aims to prioritize air toxics, emission sources, and locations of interest for further study. It is important to remember that the air toxics data presented here provide broad estimates of health risks over geographic areas of the country, not definitive risks to specific individuals or locations. Cancer risks and hazard indices from the Air Toxics Data Update are reported to one significant figure and any additional significant figures here are due to rounding. More information on the Air Toxics Data Update can be found at: https://www.epa.gov/haps/air-toxics-data-update.

For additional information, see: www.epa.gov/environmentaljustice

EJSCREEN ACS Summary Report

Location: User-specified point center at 45.625083, -120.252914
Ring (buffer): 10-miles radius
Description: CWMNW 10 mile

Summary of ACS Estimates	2015 - 2019
Population	853
Population Density (per sq. mile)	2
People of Color Population	103
% People of Color Population	12%
Households	339
Housing Units	455
Housing Units Built Before 1950	181
Per Capita Income	26,482
Land Area (sq. miles) (Source: SF1)	426.72
% Land Area	99%
Water Area (sq. miles) (Source: SF1)	6.42
% Water Area	1%

	2015 - 2019 ACS Estimates	Percent	MOE (±)
Population by Race			
Total	853	100%	0
Population Reporting One Race	835	98%	147
White	784	92%	54
Black	0	0%	12
American Indian	34	4%	40
Asian	7	1%	14
Pacific Islander	6	1%	11
Some Other Race	5	1%	16
Population Reporting Two or More Races	18	2%	40
Total Hispanic Population	52	6%	50
Total Non-Hispanic Population	801		
White Alone	751	88%	62
Black Alone	0	0%	12
American Indian Alone	34	4%	40
Non-Hispanic Asian Alone	7	1%	14
Pacific Islander Alone	6	1%	11
Other Race Alone	0	0%	12
Two or More Races Alone	4	0%	12
Population by Sex			
Male	408	48%	49
Female	446	52%	49
Population by Age			
Age 0-4	34	4%	23
Age 0-17	169	20%	51
Age 18+	684	80%	126
Age 65+	216	25%	74

Data Note: Detail may not sum to totals due to rounding. Hispanic population can be of any race.
N/A means not available. **Source:** U.S. Census Bureau, American Community Survey (ACS) 2015 - 2019 .

EJSCREEN ACS Summary Report

Location: User-specified point center at 45.625083, -120.252914
Ring (buffer): 10-miles radius
Description: CWMNW 10 mile

	2015 - 2019 ACS Estimates	Percent	MOE (±)
Population 25+ by Educational Attainment			
Total	647	100%	55
Less than 9th Grade	24	4%	30
9th - 12th Grade, No Diploma	41	6%	41
High School Graduate	198	31%	67
Some College, No Degree	213	33%	82
Associate Degree	59	9%	39
Bachelor's Degree or more	113	17%	58
Population Age 5+ Years by Ability to Speak English			
Total	820	100%	22
Speak only English	787	96%	97
Non-English at Home[1+2+3+4]	33	4%	44
[1]Speak English "very well"	20	2%	33
[2]Speak English "well"	8	1%	21
[3]Speak English "not well"	5	1%	19
[4]Speak English "not at all"	0	0%	12
[3+4]Speak English "less than well"	5	1%	19
[2+3+4]Speak English "less than very well"	13	2%	26
Linguistically Isolated Households*			
Total	0	0%	12
Speak Spanish	0	0%	12
Speak Other Indo-European Languages	0	0%	12
Speak Asian-Pacific Island Languages	0	0%	12
Speak Other Languages	0	0%	12
Households by Household Income			
Household Income Base	339	100%	57
< $15,000	47	14%	44
$15,000 - $25,000	27	8%	29
$25,000 - $50,000	106	31%	60
$50,000 - $75,000	53	16%	35
$75,000 +	106	31%	59
Occupied Housing Units by Tenure			
Total	339	100%	57
Owner Occupied	228	67%	62
Renter Occupied	111	33%	59
Employed Population Age 16+ Years			
Total	709	100%	47
In Labor Force	396	56%	75
Civilian Unemployed in Labor Force	27	4%	30
Not In Labor Force	313	44%	76

Data Note: Datail may not sum to totals due to rounding. Hispanic population can be of anyrace.
N/A means not available. **Source:** U.S. Census Bureau, American Community Survey (ACS)
*Households in which no one 14 and over speaks English "very well" or speaks English only.

EJSCREEN ACS Summary Report

Location: User-specified point center at 45.625083, -120.252914
Ring (buffer): 10-miles radius
Description: CWMNW 10 mile

	2015 - 2019 ACS Estimates	Percent	MOE (±)
Population by Language Spoken at Home*			
Total (persons age 5 and above)	820	100%	22
English	787	96%	51
Spanish	28	3%	49
French	0	0%	12
French Creole	N/A	N/A	N/A
Italian	N/A	N/A	N/A
Portuguese	N/A	N/A	N/A
German	0	0%	12
Yiddish	N/A	N/A	N/A
Other West Germanic	N/A	N/A	N/A
Scandinavian	N/A	N/A	N/A
Greek	N/A	N/A	N/A
Russian	N/A	N/A	N/A
Polish	N/A	N/A	N/A
Serbo-Croatian	N/A	N/A	N/A
Other Slavic	N/A	N/A	N/A
Armenian	N/A	N/A	N/A
Persian	N/A	N/A	N/A
Gujarathi	N/A	N/A	N/A
Hindi	N/A	N/A	N/A
Urdu	N/A	N/A	N/A
Other Indic	N/A	N/A	N/A
Other Indo-European	0	0%	12
Chinese	0	0%	12
Japanese	N/A	N/A	N/A
Korean	4	0%	13
Mon-Khmer, Cambodian	N/A	N/A	N/A
Hmong	N/A	N/A	N/A
Thai	N/A	N/A	N/A
Laotian	N/A	N/A	N/A
Vietnamese	0	0%	12
Other Asian	1	0%	4
Tagalog	0	0%	12
Other Pacific Island	N/A	N/A	N/A
Navajo	N/A	N/A	N/A
Other Native American	N/A	N/A	N/A
Hungarian	N/A	N/A	N/A
Arabic	0	0%	12
Hebrew	N/A	N/A	N/A
African	N/A	N/A	N/A
Other and non-specified	0	0%	12
Total Non-English	33	4%	56

Data Note: Detail may not sum to totals due to rounding. Hispanic popultion can be of any race.
N/A meansnot available. **Source:** U.S. Census Bureau, American Community Survey (ACS) 2015 - 2019.
*Population by Language Spoken at Home is available at the census tract summary level and up.

EJScreen Report (Version 2.0)

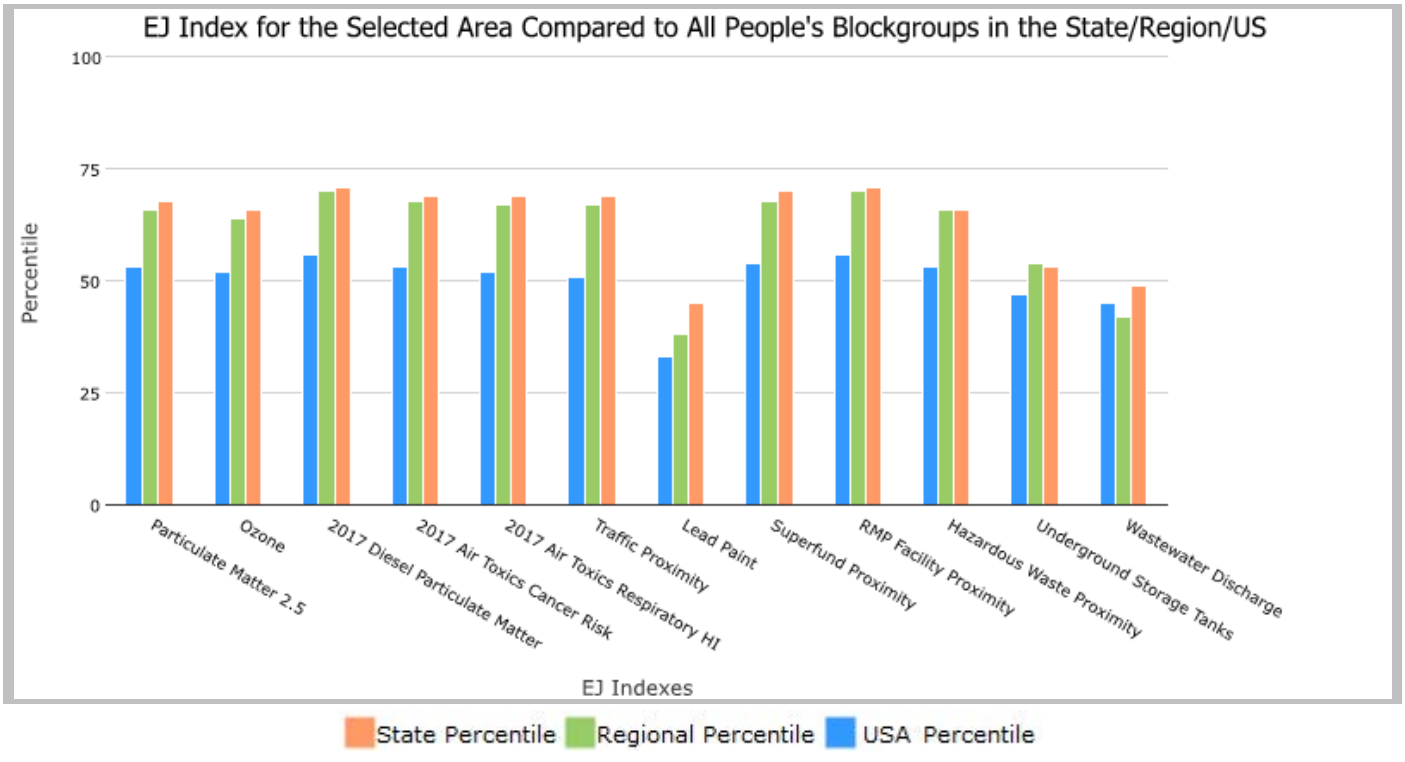
10 miles Ring Centered at 45.625083,-120.252914, OREGON, EPA Region 10

Approximate Population: 1,025

Input Area (sq. miles): 314.03

CWMNW 10 mile

Selected Variables	State Percentile	EPA Region Percentile	USA Percentile
Environmental Justice Indexes			
EJ Index for Particulate Matter 2.5	68	66	53
EJ Index for Ozone	66	64	52
EJ Index for 2017 Diesel Particulate Matter*	71	70	56
EJ Index for 2017 Air Toxics Cancer Risk*	69	68	53
EJ Index for 2017 Air Toxics Respiratory HI*	69	67	52
EJ Index for Traffic Proximity	69	67	51
EJ Index for Lead Paint	45	38	33
EJ Index for Superfund Proximity	70	68	54
EJ Index for RMP Facility Proximity	71	70	56
EJ Index for Hazardous Waste Proximity	66	66	53
EJ Index for Underground Storage Tanks	53	54	47
EJ Index for Wastewater Discharge	49	42	45



This report shows the values for environmental and demographic indicators and EJSCREEN indexes. It shows environmental and demographic raw data (e.g., the estimated concentration of ozone in the air), and also shows what percentile each raw data value represents. These percentiles provide perspective on how the selected block group or buffer area compares to the entire state, EPA region, or nation. For example, if a given location is at the 95th percentile nationwide, this means that only 5 percent of the US population has a higher block group value than the average person in the location being analyzed. The years for which the data are available, and the methods used, vary across these indicators. Important caveats and uncertainties apply to this screening-level information, so it is essential to understand the limitations on appropriate interpretations and applications of these indicators. Please see EJSCREEN documentation for discussion of these issues before using reports.

EJScreen Report (Version 2.0)

10 miles Ring Centered at 45.625083,-120.252914, OREGON, EPA Region 10

Approximate Population: 1,025

Input Area (sq. miles): 314.03

CWMNW 10 mile

Sites reporting to EPA	
Superfund NPL	0
Hazardous Waste Treatment, Storage, and Disposal Facilities (TSDF)	1

EJScreen Report (Version 2.0)

10 miles Ring Centered at 45.625083,-120.252914, OREGON, EPA Region 10

Approximate Population: 1,025

Input Area (sq. miles): 314.03

CWMNW 10 mile

Selected Variables	Value	State Avg.	%ile in State	EPA Region Avg.	%ile in EPA Region	USA Avg.	%ile in USA
Pollution and Sources							
Particulate Matter 2.5 (µg/m^3)	7.51	8.75	12	8.17	30	8.74	21
Ozone (ppb)	41.1	37	80	37.2	71	42.6	38
2017 Diesel Particulate Matter* (µg/m^3)	0.0424	0.345	7	0.312	<50th	0.295	<50th
2017 Air Toxics Cancer Risk* (lifetime risk per million)	20	33	15	33	<50th	29	<50th
2017 Air Toxics Respiratory HI*	0.32	0.47	19	0.47	<50th	0.36	50-60th
Traffic Proximity (daily traffic count/distance to road)	20	590	10	600	12	710	12
Lead Paint (% Pre-1960 Housing)	0.33	0.25	73	0.22	76	0.28	66
Superfund Proximity (site count/km distance)	0.017	0.083	12	0.13	17	0.13	14
RMP Facility Proximity (facility count/km distance)	0.046	0.79	10	0.66	8	0.75	3
Hazardous Waste Proximity (facility count/km distance)	0.082	1.6	18	1.7	19	2.2	13
Underground Storage Tanks (count/km^2)	0.0077	3.4	24	4.5	23	3.9	16
Wastewater Discharge (toxicity-weighted concentration/m distance)	7.1E-05	0.004	42	0.53	49	12	29
Socioeconomic Indicators							
Demographic Index	29%	28%	60	28%	59	36%	47
People of Color	17%	24%	42	28%	36	40%	32
Low Income	40%	31%	72	28%	75	31%	68
Unemployment Rate	7%	5%	69	5%	73	5%	71
Linguistically Isolated	0%	2%	53	3%	48	5%	46
Less Than High School Education	9%	9%	60	9%	64	12%	51
Under Age 5	7%	6%	65	6%	59	6%	59
Over Age 64	14%	17%	43	16%	51	16%	50

*Diesel particular matter, air toxics cancer risk, and air toxics respiratory hazard index are from the EPA's 2017 Air Toxics Data Update, which is the Agency's ongoing, comprehensive evaluation of air toxics in the United States. This effort aims to prioritize air toxics, emission sources, and locations of interest for further study. It is important to remember that the air toxics data presented here provide broad estimates of health risks over geographic areas of the country, not definitive risks to specific individuals or locations. Cancer risks and hazard indices from the Air Toxics Data Update are reported to one significant figure and any additional significant figures here are due to rounding. More information on the Air Toxics Data Update can be found at: https://www.epa.gov/haps/air-toxics-data-update.

For additional information, see: www.epa.gov/environmentaljustice

Statement of Basis Exhibit E

U.S. EPA Endangered Species Act Determination

This Exhibit describes U.S. EPA Region 10 staff review of United States Fish and Wildlife Service (USFWS) and the National Marine Fisheries Service (NMFS) information as part of its evaluation of Chemical Waste Management of the Northwest's (CWMNW) application for treatment, storage, and disposal of polychlorinated biphenyl (PCB) waste under 40 C.F.R. Part 761. Section 7(a)(2) of the Endangered Species Act (ESA), 16 U.S.C. § 1536(a)(2), requires all federal agencies, in consultation with the United States Fish and Wildlife Service (USFWS) and the National Marine Fisheries Service (NMFS), to insure that any action they carry out, fund, or authorize (such as through a permit) is not likely to jeopardize the continued existence of a listed species or result in the destruction or adverse modification of designated critical habitat. Under the ESA, management of listed species is divided between the USFWS and the NMFS.

U.S. EPA Region 10 office conducted a search for threatened and endangered species for the area surrounding the CWMNW Facility using web-based tools provided by the USFWS and the NMFS.

Based on the results of these searches, U.S. EPA determined that there are no listed species or designated critical habitat present at or near the CWMNW Facility. In addition, U.S. EPA determined that issuance of this Approval "will not affect" any listed species or designated critical habitat. Accordingly, consultation with the USFWS or the NMFS is not required.

U.S. EPA's ESA determination and assessment of data is derived from the following USFWS and National Oceanic and Atmospheric Administration (NOAA) web-based tools:

> USFWS Critical Habitat for Threatened & Endangered Species:
> https://fws.maps.arcgis.com/apps/mapviewer/index.html?webmap=9d8de5e265ad4fe09893cf75b8dbfb77
>
> NOAA Fisheries Protected Resources App for the West Coast Region:
> https://www.webapps.nwfsc.noaa.gov/portal/apps/webappviewer/index.html?id=7514c715b8594944a6e468dd25aaacc9

See Figures 1 through 6 below for screenshots of the web-based tool results.

To find the approximate location of the CWMNW Facility, the U.S. EPA staff inserted the Facility address (17629 Cedar Springs Lane, Arlington, Oregon 97812) in the USFWS and NMFS map application search boxes to conduct the searches.

U.S. EPA staff used the USFWS web-based tool to generate an Official Species List dated April 28, 2022. The web-generated letter which includes the Official Species List and related information is presented at the end of this Exhibit. The letter shows that there are no threatened or endangered species or designated critical habitat under the jurisdiction of the USFWS at or near the CWMNW Facility.

The CWMNW Facility lies in Alkali Canyon, upstream of Rock Creek, the closest downstream waterway approximately four miles southwest of the Facility. U.S. EPA staff used the NOAA Fisheries Protected Resources App to find any listed species in Rock Creek. One threatened

Oncorhynchus mykiss steelhead trout Mid-Columbia River Distinct Population Segment (DPS) was found in the Rock Creek watershed. Rock Creek is a tributary of the John Day River, with their confluence about eight miles from the closest part of the Facility. The downstream reach of the John Day River, from its confluence with Rock Creek to its confluence with the Columbia River, was reviewed as well to check if there are other species that could be potentially impacted. This downstream reach of the John Day River lists the same threatened *Oncorhynchus mykiss* steelhead trout Mid-Columbia River DPS. In addition, USFWS lists threatened *Salvelinus confluentus* bull trout in the same stretch of the John Day River under the John Day Species Management Unit (SMU). The John Day River eventually flows into the Columbia River.

The Columbia River was not reviewed in this assessment. The confluence of Rock Creek and the John Day River is over twenty river miles upstream of the Columbia River. Additionally, a ridge separates the CWMNW Facility from the Columbia River, located approximately seven miles north of the Facility. In the unlikely event that all the environmental controls described below would fail, natural drainage from the Facility would flow in the low-lying areas of Alkali Canyon along Cedar Springs Lane to Rock Creek.

The Facility and its landfill and treatment/storage units are designed to minimize leachate and wastewater generation in the areas of hazardous waste storage, treatment, and disposal. CWMNW does not discharge to any surface watercourses and all stormwater is retained on site by the Facility's stormwater retention ponds. Any stormwater runoff not captured by the retention ponds would be stormwater primarily impacted by vehicle traffic on roads, which would be similar to impacts associated with any road in the area. The active landfill at CWMNW has three levels of synthetic membrane liners to prevent migration of contaminants to groundwater that would eventually discharge to waterbodies. The landfill also has compound leachate collection systems in compliance with 40 C.F.R.§ 761.75(b)(7)(ii). Finally, the Facility also has measures in place to capture runoff within the landfill to prevent it from leaving the landfill. Leachate and runoff are tested for land disposal restriction standards before discharging to the on-site surface impoundments permitted under CWMNW's Resource Conservation and Recovery Act (RCRA) permit issued by Oregon Department of Environmental Quality.

Based on the information from the NOAA web-based tool reviewed by U.S. EPA staff, U.S. EPA's action to issue this PCB Approval is not expected to impact any threatened steelhead populations in the Mid-Columbia River Basin DPS, or any bull trout populations in the John Day River SMU. Environmental controls described above required under 40 C.F.R. § 761.75(b) would prevent releases to surface waterbodies where threatened steelhead and bull trout live. Monitoring systems required under 40 C.F.R. § 761.75(b)(6) would detect any failures that would potentially impact surface waterbodies. The considerable distance to any waterbodies with threatened steelhead and bull trout species contributes to the finding that any impact to these species would be unlikely.

For all of these reasons, U.S. EPA has determined that issuance of the CWMNW PCB Approval "will not affect" any listed species or designated critical habitat.

Figure 1. Landfill and Storage Location (circle on map) Relative to Surrounding Waterbodies with USFWS-Listed Species (Source: USFWS).

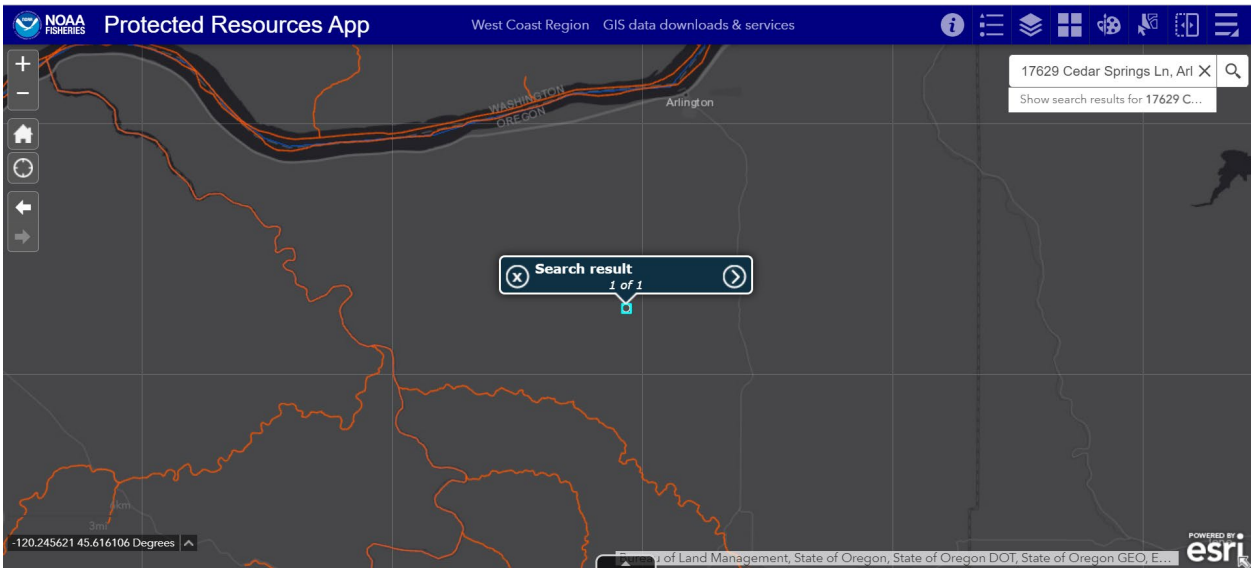


Figure 2. Landfill and Storage Location Relative to Surrounding Waterbodies with NMFS-Listed Species (Source: NOAA Fisheries).

Figure 3. Landfill location to show proximity and scale bar to Rock Creek and the John Day River (Source: Google Maps as of September 21, 2022).

Critical Habitat - Linear Features - Final: Bull Trout

singlmulti	SINGLE
comname	Bull Trout
sciname	Salvelinus confluentus
spcode	E065
vipcode	V06
unit	Please check current species specific shapefile
subunit	Please check current species specific shapefile
unitname	Please check current species specific shapefile
status	Final
leadoffice	14,420
coopoffice	Please check current species specific shapefile
coopofmore	Please check current species specific shapefile
fedreg	75FR63898 64070
pubdate	20101018

Figure 4. Screenshot of USFWS Critical Habitat for Threatened & Endangered Species with *Salvelinus confluentus* listing in the John Day River SMU.

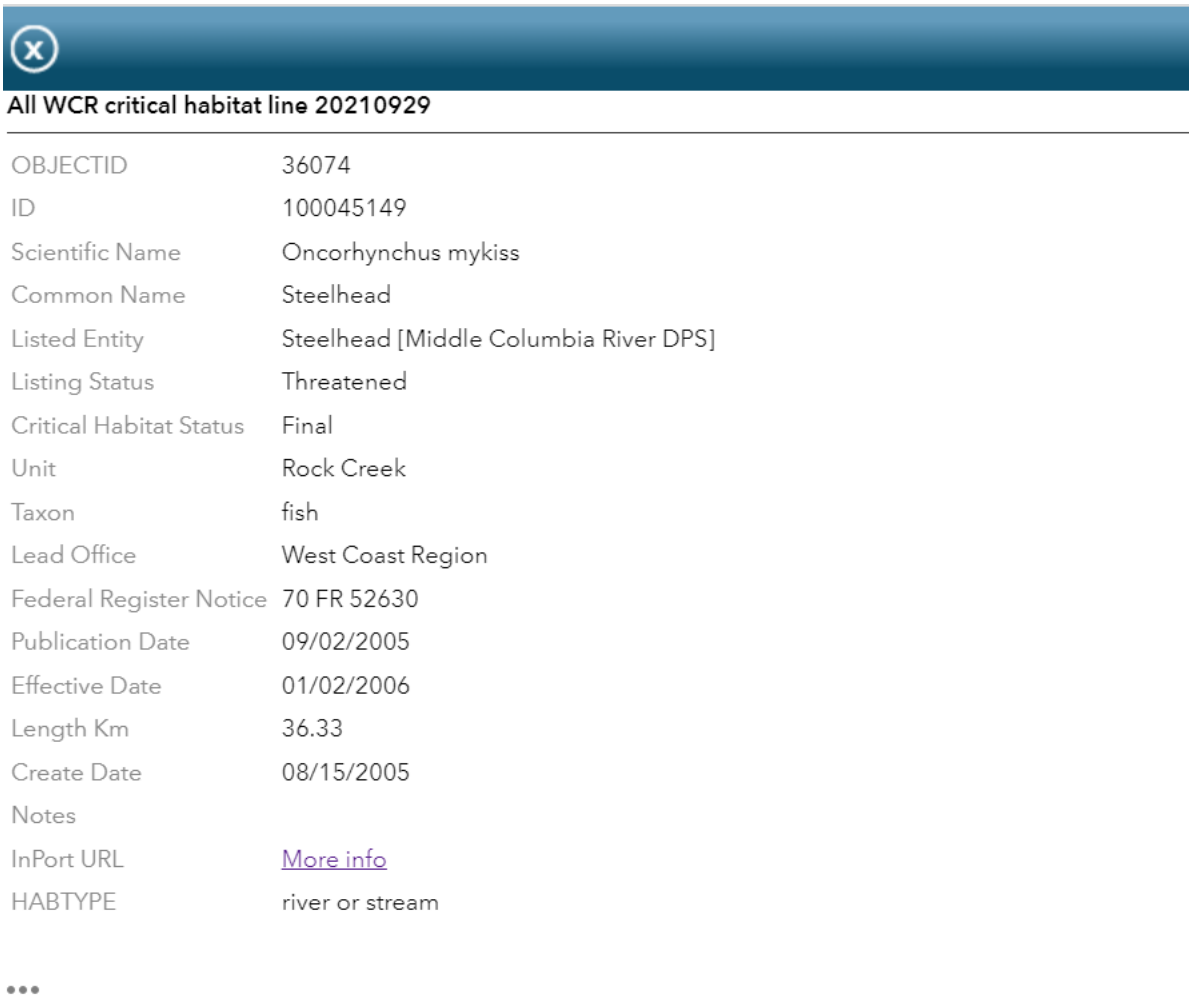


Figure 5. Screenshot of NOAA Fisheries Protected Resources App with Rock Creek Unit Steelhead listing.

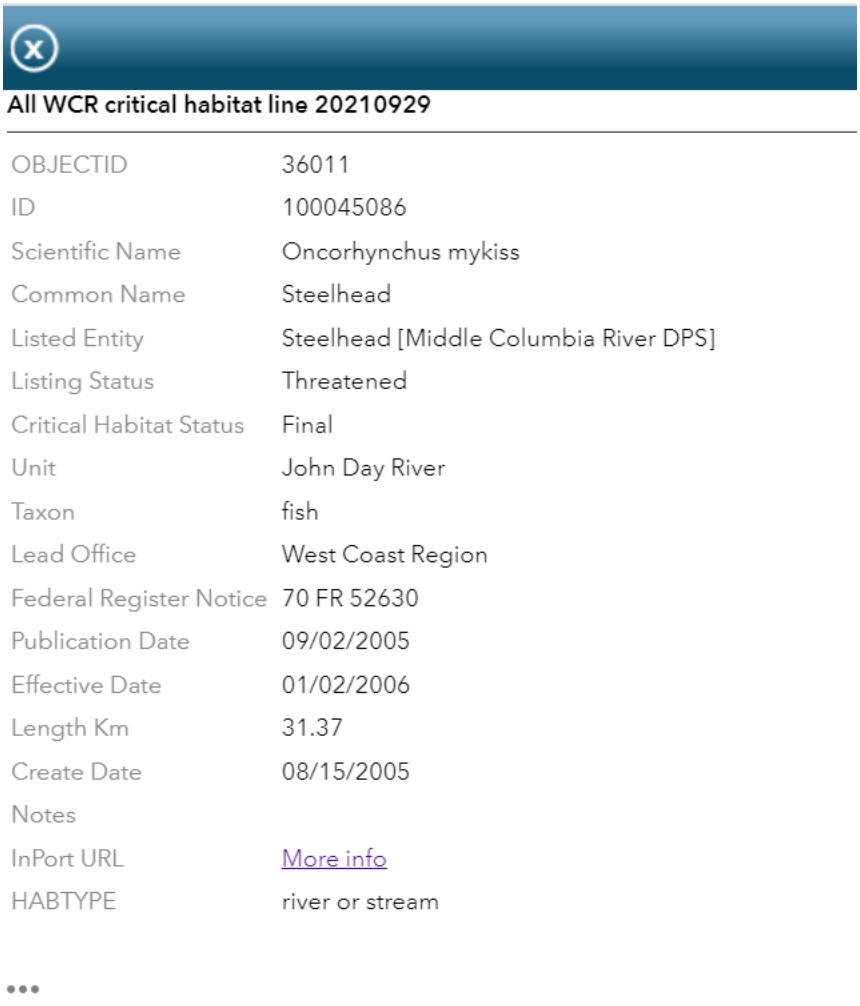


Figure 6. Screenshot of NOAA Fisheries Protected Resources App with John Day River Unit Steelhead listing.

References

NOAA Fisheries. Middle Columbia River Steelhead: https://www.fisheries.noaa.gov/west-coast/endangered-species-conservation/middle-columbia-river-steelhead

Oregon Department of Fish and Wildlife. Mid-Columbia River Conservation and Recovery Plan: https://www.dfw.state.or.us/fish/crp/mid_columbia_river_plan.asp

Oregon Department of Fish and Wildlife. Oregon Native Fish Status Report – Volume II: John Day Bull Trout: https://www.dfw.state.or.us/fish/onfsr/docs/final/10-bull-trout/bt-methods-john-day.pdf

United States Department of the Interior

FISH AND WILDLIFE SERVICE
Oregon Fish And Wildlife Office
2600 Southeast 98th Avenue, Suite 100
Portland, OR 97266-1398
Phone: (503) 231-6179 Fax: (503) 231-6195
https://www.fws.gov/oregonfwo/articles.cfm?id=149489416

In Reply Refer To: April 28, 2022
Project Code: 2022-0036988
Project Name: CWMNW TSCA PCB Approval

Subject: List of threatened and endangered species that may occur in your proposed project location or may be affected by your proposed project

To Whom It May Concern:

The enclosed species list identifies threatened, endangered, proposed and candidate species, as well as proposed and final designated critical habitat, that may occur within the boundary of your proposed project and/or may be affected by your proposed project. The species list fulfills the requirements of the U.S. Fish and Wildlife Service (Service) under section 7(c) of the Endangered Species Act (Act) of 1973, as amended (16 U.S.C. 1531 *et seq.*). This is not a consultation.

New information based on updated surveys, changes in the abundance and distribution of species, changed habitat conditions, or other factors could change this list. Please feel free to contact us if you need more current information or assistance regarding the potential impacts to federally proposed, listed, and candidate species and federally designated and proposed critical habitat. Please note that under 50 CFR 402.12(e) of the regulations implementing section 7 of the Act, the accuracy of this species list should be verified after 90 days. This verification can be completed formally or informally as desired. The Service recommends that verification be completed by visiting the ECOS-IPaC website at regular intervals during project planning and implementation for updates to species lists and information. An updated list may be requested through the ECOS-IPaC system by completing the same process used to receive the enclosed list.

The purpose of the Act is to provide a means whereby threatened and endangered species and the ecosystems upon which they depend may be conserved. Under sections 7(a)(1) and 7(a)(2) of the Act and its implementing regulations (50 CFR 402 *et seq.*), Federal agencies are required to utilize their authorities to carry out programs for the conservation of threatened and endangered species and to determine whether projects may affect threatened and endangered species and/or designated critical habitat.

A Biological Assessment is required for construction projects (or other undertakings having similar physical impacts) that are major Federal actions significantly affecting the quality of the human environment as defined in the National Environmental Policy Act (42 U.S.C. 4332(2)(c)). For projects other than major construction activities, the Service suggests that a biological evaluation similar to a Biological Assessment be prepared to determine whether the project may affect listed or proposed species and/or designated or proposed critical habitat. Recommended contents of a Biological Assessment are described at 50 CFR 402.12.

If a Federal agency determines, based on the Biological Assessment or biological evaluation, that listed species and/or designated critical habitat may be affected by the proposed project, the agency is required to consult with the Service pursuant to 50 CFR 402. In addition, the Service recommends that candidate species, proposed species and proposed critical habitat be addressed within the consultation. More information on the regulations and procedures for section 7 consultation, including the role of permit or license applicants, can be found in the "Endangered Species Consultation Handbook" at:

http://www.fws.gov/endangered/esa-library/pdf/TOC-GLOS.PDF

Migratory Birds: In addition to responsibilities to protect threatened and endangered species under the Endangered Species Act (ESA), there are additional responsibilities under the Migratory Bird Treaty Act (MBTA) and the Bald and Golden Eagle Protection Act (BGEPA) to protect native birds from project-related impacts. Any activity, intentional or unintentional, resulting in take of migratory birds, including eagles, is prohibited unless otherwise permitted by the U.S. Fish and Wildlife Service (50 C.F.R. Sec. 10.12 and 16 U.S.C. Sec. 668(a)). For more information regarding these Acts see https://www.fws.gov/birds/policies-and-regulations.php.

The MBTA has no provision for allowing take of migratory birds that may be unintentionally killed or injured by otherwise lawful activities. It is the responsibility of the project proponent to comply with these Acts by identifying potential impacts to migratory birds and eagles within applicable NEPA documents (when there is a federal nexus) or a Bird/Eagle Conservation Plan (when there is no federal nexus). Proponents should implement conservation measures to avoid or minimize the production of project-related stressors or minimize the exposure of birds and their resources to the project-related stressors. For more information on avian stressors and recommended conservation measures see https://www.fws.gov/birds/bird-enthusiasts/threats-to-birds.php.

In addition to MBTA and BGEPA, Executive Order 13186: *Responsibilities of Federal Agencies to Protect Migratory Birds*, obligates all Federal agencies that engage in or authorize activities that might affect migratory birds, to minimize those effects and encourage conservation measures that will improve bird populations. Executive Order 13186 provides for the protection of both migratory birds and migratory bird habitat. For information regarding the implementation of Executive Order 13186, please visit https://www.fws.gov/birds/policies-and-regulations/executive-orders/e0-13186.php.

We appreciate your concern for threatened and endangered species. The Service encourages Federal agencies to include conservation of threatened and endangered species into their project planning to further the purposes of the Act. Please include the Consultation Code in the header of

this letter with any request for consultation or correspondence about your project that you submit to our office.

Attachment(s):

- Official Species List
- USFWS National Wildlife Refuges and Fish Hatcheries
- Migratory Birds
- Wetlands

Official Species List

This list is provided pursuant to Section 7 of the Endangered Species Act, and fulfills the requirement for Federal agencies to "request of the Secretary of the Interior information whether any species which is listed or proposed to be listed may be present in the area of a proposed action".

This species list is provided by:

Oregon Fish And Wildlife Office
2600 Southeast 98th Avenue, Suite 100
Portland, OR 97266-1398
(503) 231-6179

Project Summary

Project Code: 2022-0036988
Event Code: None
Project Name: CWMNW TSCA PCB Approval
Project Type: Disposal / Transfer
Project Description: The CWMNW facility is located at 17629 Cedar Springs Lane, Arlington, Oregon. It is permitted as a hazardous waste treatment, storage, and disposal facility under State of Oregon's authorized RCRA program. This project is a TSCA approval administered by EPA Region 10, for storage and disposal of PCBs at the CWMNW facility.

Project Location:

Approximate location of the project can be viewed in Google Maps: https://www.google.com/maps/@45.627814099999995,-120.2520581114625,14z

Counties: Gilliam County, Oregon

Endangered Species Act Species

There is a total of 1 threatened, endangered, or candidate species on this species list.

Species on this list should be considered in an effects analysis for your project and could include species that exist in another geographic area. For example, certain fish may appear on the species list because a project could affect downstream species.

IPaC does not display listed species or critical habitats under the sole jurisdiction of NOAA Fisheries[1], as USFWS does not have the authority to speak on behalf of NOAA and the Department of Commerce.

See the "Critical habitats" section below for those critical habitats that lie wholly or partially within your project area under this office's jurisdiction. Please contact the designated FWS office if you have questions.

---

1. NOAA Fisheries, also known as the National Marine Fisheries Service (NMFS), is an office of the National Oceanic and Atmospheric Administration within the Department of Commerce.

Insects

NAME	STATUS
Monarch Butterfly *Danaus plexippus* No critical habitat has been designated for this species. Species profile: https://ecos.fws.gov/ecp/species/9743	Candidate

Critical habitats

THERE ARE NO CRITICAL HABITATS WITHIN YOUR PROJECT AREA UNDER THIS OFFICE'S JURISDICTION.

USFWS National Wildlife Refuge Lands And Fish Hatcheries

Any activity proposed on lands managed by the National Wildlife Refuge system must undergo a 'Compatibility Determination' conducted by the Refuge. Please contact the individual Refuges to discuss any questions or concerns.

THERE ARE NO REFUGE LANDS OR FISH HATCHERIES WITHIN YOUR PROJECT AREA.

Migratory Birds

Certain birds are protected under the Migratory Bird Treaty Act[1] and the Bald and Golden Eagle Protection Act[2].

Any person or organization who plans or conducts activities that may result in impacts to migratory birds, eagles, and their habitats should follow appropriate regulations and consider implementing appropriate conservation measures, as described below.

---

1. The Migratory Birds Treaty Act of 1918.
2. The Bald and Golden Eagle Protection Act of 1940.
3. 50 C.F.R. Sec. 10.12 and 16 U.S.C. Sec. 668(a)

THERE ARE NO FWS MIGRATORY BIRDS OF CONCERN WITHIN THE VICINITY OF YOUR PROJECT AREA.

Migratory Birds FAQ

Tell me more about conservation measures I can implement to avoid or minimize impacts to migratory birds.

Nationwide Conservation Measures describes measures that can help avoid and minimize impacts to all birds at any location year round. Implementation of these measures is particularly important when birds are most likely to occur in the project area. When birds may be breeding in the area, identifying the locations of any active nests and avoiding their destruction is a very helpful impact minimization measure. To see when birds are most likely to occur and be breeding in your project area, view the Probability of Presence Summary. Additional measures or permits may be advisable depending on the type of activity you are conducting and the type of infrastructure or bird species present on your project site.

What does IPaC use to generate the migratory birds potentially occurring in my specified location?

The Migratory Bird Resource List is comprised of USFWS Birds of Conservation Concern (BCC) and other species that may warrant special attention in your project location.

The migratory bird list generated for your project is derived from data provided by the Avian Knowledge Network (AKN). The AKN data is based on a growing collection of survey, banding, and citizen science datasets and is queried and filtered to return a list of those birds reported as occurring in the 10km grid cell(s) which your project intersects, and that have been identified as warranting special attention because they are a BCC species in that area, an eagle (Eagle Act requirements may apply), or a species that has a particular vulnerability to offshore activities or development.

Again, the Migratory Bird Resource list includes only a subset of birds that may occur in your project area. It is not representative of all birds that may occur in your project area. To get a list of all birds potentially present in your project area, please visit the AKN Phenology Tool.

What does IPaC use to generate the probability of presence graphs for the migratory birds potentially occurring in my specified location?
The probability of presence graphs associated with your migratory bird list are based on data provided by the Avian Knowledge Network (AKN). This data is derived from a growing collection of survey, banding, and citizen science datasets .

Probability of presence data is continuously being updated as new and better information becomes available. To learn more about how the probability of presence graphs are produced and how to interpret them, go the Probability of Presence Summary and then click on the "Tell me about these graphs" link.

How do I know if a bird is breeding, wintering, migrating or present year-round in my project area?
To see what part of a particular bird's range your project area falls within (i.e. breeding, wintering, migrating or year-round), you may refer to the following resources: The Cornell Lab of Ornithology All About Birds Bird Guide, or (if you are unsuccessful in locating the bird of interest there), the Cornell Lab of Ornithology Neotropical Birds guide. If a bird on your migratory bird species list has a breeding season associated with it, if that bird does occur in your project area, there may be nests present at some point within the timeframe specified. If "Breeds elsewhere" is indicated, then the bird likely does not breed in your project area.

What are the levels of concern for migratory birds?
Migratory birds delivered through IPaC fall into the following distinct categories of concern:

1. "BCC Rangewide" birds are Birds of Conservation Concern (BCC) that are of concern throughout their range anywhere within the USA (including Hawaii, the Pacific Islands, Puerto Rico, and the Virgin Islands);
2. "BCC - BCR" birds are BCCs that are of concern only in particular Bird Conservation Regions (BCRs) in the continental USA; and
3. "Non-BCC - Vulnerable" birds are not BCC species in your project area, but appear on your list either because of the Eagle Act requirements (for eagles) or (for non-eagles) potential susceptibilities in offshore areas from certain types of development or activities (e.g. offshore energy development or longline fishing).

Although it is important to try to avoid and minimize impacts to all birds, efforts should be made, in particular, to avoid and minimize impacts to the birds on this list, especially eagles and BCC species of rangewide concern. For more information on conservation measures you can implement to help avoid and minimize migratory bird impacts and requirements for eagles, please see the FAQs for these topics.

Details about birds that are potentially affected by offshore projects
For additional details about the relative occurrence and abundance of both individual bird species and groups of bird species within your project area off the Atlantic Coast, please visit the Northeast Ocean Data Portal. The Portal also offers data and information about other taxa besides birds that may be helpful to you in your project review. Alternately, you may download the bird model results files underlying the portal maps through the NOAA NCCOS Integrative Statistical

Modeling and Predictive Mapping of Marine Bird Distributions and Abundance on the Atlantic Outer Continental Shelf project webpage.

Bird tracking data can also provide additional details about occurrence and habitat use throughout the year, including migration. Models relying on survey data may not include this information. For additional information on marine bird tracking data, see the Diving Bird Study and the nanotag studies or contact Caleb Spiegel or Pam Loring.

What if I have eagles on my list?
If your project has the potential to disturb or kill eagles, you may need to obtain a permit to avoid violating the Eagle Act should such impacts occur.

Proper Interpretation and Use of Your Migratory Bird Report
The migratory bird list generated is not a list of all birds in your project area, only a subset of birds of priority concern. To learn more about how your list is generated, and see options for identifying what other birds may be in your project area, please see the FAQ "What does IPaC use to generate the migratory birds potentially occurring in my specified location". Please be aware this report provides the "probability of presence" of birds within the 10 km grid cell(s) that overlap your project; not your exact project footprint. On the graphs provided, please also look carefully at the survey effort (indicated by the black vertical bar) and for the existence of the "no data" indicator (a red horizontal bar). A high survey effort is the key component. If the survey effort is high, then the probability of presence score can be viewed as more dependable. In contrast, a low survey effort bar or no data bar means a lack of data and, therefore, a lack of certainty about presence of the species. This list is not perfect; it is simply a starting point for identifying what birds of concern have the potential to be in your project area, when they might be there, and if they might be breeding (which means nests might be present). The list helps you know what to look for to confirm presence, and helps guide you in knowing when to implement conservation measures to avoid or minimize potential impacts from your project activities, should presence be confirmed. To learn more about conservation measures, visit the FAQ "Tell me about conservation measures I can implement to avoid or minimize impacts to migratory birds" at the bottom of your migratory bird trust resources page.

Wetlands

Impacts to NWI wetlands and other aquatic habitats may be subject to regulation under Section 404 of the Clean Water Act, or other State/Federal statutes.

For more information please contact the Regulatory Program of the local U.S. Army Corps of Engineers District.

Please note that the NWI data being shown may be out of date. We are currently working to update our NWI data set. We recommend you verify these results with a site visit to determine the actual extent of wetlands on site.

WETLAND INFORMATION WAS NOT AVAILABLE WHEN THIS SPECIES LIST WAS GENERATED. PLEASE VISIT HTTPS://WWW.FWS.GOV/WETLANDS/DATA/MAPPER.HTML OR CONTACT THE FIELD OFFICE FOR FURTHER INFORMATION.

IPaC User Contact Information

Agency:	Environmental Protection Agency
Name:	Janette Knittel
Address:	1200 6th Ave, Suite 155
Address Line 2:	15-H04
City:	Seattle
State:	WA
Zip:	98101
Email	knittel.janette@epa.gov
Phone:	2065530483

Statement of Basis Exhibit F

Compliance History Documentation

Table 1: Compliance History as reported by Chemical Waste Management of the Northwest.

AGENCY	ACTION	DATE	DOCKET NUMBER	ALLEGATION	RESPONSE/DISPOSITION	DATE
DEQ	Failure to label a tank with the correct capacity	10/16/18	2018-WL-3979	CWM did not label a container with the correct capacity used for accumulation or storage of hazardous waste.	Corrected during the audit	
DHS	Failure to submit ISF information 24 hour prior to shipping to a foreign port	09/29/2019	2019411120309801	Failure to preform notification per the requirements of 49 CFR 149.2	Payment of Penalty for $4500.00	10/29/2019
EPA	Failure to establish adequate Financial Responsibility	09/25/2020	Docket RCRA 10-2020-0111	CWM failed provide adequate financial responsibility for sudden and non sudden accidental occurrences	Current insurance policy Effective 07/01/2020 thru 07/01/2021 EPA confirmed that insurance coverage was adequate	08/28/2020
ODOE	**Violation of OAR 345**-050-0006.	02/13/2020	OAR 345-050-0006	Disposal of potentially radioactive waste	Corrective Action developed with ODEOE	6/30/15
DEQ	Failure to conform to Standalone #1 WAP.	505/08/2020	PEN ERB 2020-0010	CWM reported the manifest discrepancy approximately 10 months from receipt of the waste shipment.	CWMNW implemented the use of a handheld instrument for screening potential radioactive waste	06/09/2020

Detailed Facility Report

Detailed Facility Report

Facility Summary

CHEMICAL WASTE MANAGEMENT OF THE NW

17629 CEDAR SPRINGS LN, ARLINGTON, OR 97812

FRS (Facility Registry Service) ID: 110002059904
EPA Region: 10
Latitude: 45.61513
Longitude: -120.23382
Locational Data Source: FRS
Industries: Waste Management and Remediation Services
Indian Country: N

Enforcement and Compliance Summary

Statute	CAA
Compliance Monitoring Activities (5 years)	1
Date of Last Compliance Monitoring Activity	08/27/2019
Compliance Status	No Violation Identified
Qtrs in Noncompliance (of 12)	0
Qtrs with Significant Violation	0
Informal Enforcement Actions (5 years)	--
Formal Enforcement Actions (5 years)	--
Penalties from Formal Enforcement Actions (5 years)	--
EPA Cases (5 years)	--
Penalties from EPA Cases (5 years)	--
Statute	**RCRA**
Compliance Monitoring Activities (5 years)	7
Date of Last Compliance Monitoring Activity	03/15/2023
Compliance Status	Violation
Qtrs in Noncompliance (of 12)	12
Qtrs with Significant Violation	1
Informal Enforcement Actions (5 years)	4
Formal Enforcement Actions (5 years)	2
Penalties from Formal Enforcement Actions (5 years)	$25,000
EPA Cases (5 years)	1
Penalties from EPA Cases (5 years)	$25,000

Statute	SDWA
Compliance Monitoring Activities (5 years)	--
Date of Last Compliance Monitoring Activity	--
Compliance Status	No Violation Identified
Qtrs in Noncompliance (of 12)	0
Qtrs with Significant Violation	0
Informal Enforcement Actions (5 years)	--
Formal Enforcement Actions (5 years)	--
Penalties from Formal Enforcement Actions (5 years)	--
EPA Cases (5 years)	--
Penalties from EPA Cases (5 years)	--

Regulatory Information

Clean Air Act (CAA): No Status in ICIS No Classification in ICIS (100000000000000039)

Clean Water Act (CWA): No Information

Resource Conservation and Recovery Act (RCRA): Inactive Other, (OR3680000079), Active LQG, Operating TSDF, Transporter, (ORD089452353)

Safe Drinking Water Act (SDWA): OWNER: Private, SOURCE: Ground water, TYPE: Non-Transient non-community system Permit Active (OR4194718)

Go To Enforcement/Compliance Details
Known Data Problems

Other Regulatory Reports

Air Emissions Inventory (EIS): No Information

Greenhouse Gas Emissions (eGGRT): No Information

Toxic Releases (TRI): 97812CHMCL17629

Compliance and Emissions Data Reporting Interface (CEDRI): No Information

Facility/System Characteristics

Facility/System Characteristics

System	Statute	Identifier	Universe	Status	Areas	Permit Expiration Date	Indian Country	Latitude	Longitude
FRS		110002059904					N	45.61513	-120.23382
ICIS		6683894					N	45.615426	-120.236054
ICIS-Air	CAA	100000000000000039	No Classification in ICIS	No Status in ICIS			N	45.61513	-120.23382
TRI	EP313	97812CHMCL17629	Toxics Release Inventory	Last Reported for 2021			N	45.615912	-120.248237
RCRAInfo	RCRA	OR3680000079	Other	Inactive ( )			N		
RCRAInfo	RCRA	ORD089452353	LQG, Operating TSDF, Transporter	Active (HPA)			N	45.60361	-120.289556
SDWIS	SDWA	OR4194718	OWNER: Private, SOURCE: Ground water, TYPE: Non-Transient non-community system	Active	Population Served: 40		N		

Facility Address

System	Statute	Identifier	Facility Name	Facility Address	Facility County
FRS		110002059904	CHEMICAL WASTE MANAGEMENT OF THE NW	17629 CEDAR SPRINGS LN, ARLINGTON, OR 97812	Gilliam County
ICIS		6683894	CHEMICAL WASTE MANAGEMENT OF THE NORTHWEST INCORPORATED	17629 CEDAR SPRINGS LANE, ARLINGTON, OR 97812	Gilliam County
ICIS-Air	CAA	100000000000000039	CHEMICAL WASTE MANAGEMENT OF THE NW	17629 CEDAR SPRINGS LN, ARLINGTON, OR 97812	Gilliam County
TRI	EP313	97812CHMCL17629	CHEMICAL WASTE MANAGEMENT OF THE NORTHWEST INC.	17629 CEDAR SPRINGS LN, ARLINGTON, OR 97812	Gilliam County
RCRAInfo	RCRA	OR3680000079	USEPA KLICKITAT & MOLALLA DRUM SITE EVID	17629 CEDAR SPRINGS LN, ARLINGTON, OR 97812	Gilliam County
RCRAInfo	RCRA	ORD089452353	CHEMICAL WASTE MANAGEMENT OF THE NW	17629 CEDAR SPRINGS LN, ARLINGTON, OR 97812	Gilliam County
SDWIS	SDWA	OR4194718	CHEMICAL WASTE MGT OF NW INC	OR	

Facility SIC (Standard Industrial Classification) Codes

System	Identifier	SIC Code	SIC Description

No data records returned

Facility NAICS (North American Industry Classification System) Codes

System	Identifier	NAICS Code	NAICS Description
ICIS-Air	100000000000000039	562211	Hazardous Waste Treatment and Disposal
TRI	97812CHMCL17629	562211	Hazardous Waste Treatment and Disposal
TRI	97812CHMCL17629	562212	Solid Waste Landfill
RCRAInfo	OR3680000079	562910	Remediation Services
RCRAInfo	ORD089452353	562211	Hazardous Waste Treatment and Disposal

Facility Tribe Information

Reservation Name	Tribe Name	EPA Tribal ID	Distance to Tribe (miles)
Yakama Nation Reservation	Confederated Tribes and Bands of the Yakama Nation	100000062	12.05
Yakama Nation Reservation	Confederated Tribes and Bands of the Yakama Nation	100000062	14.44
Warm Springs Reservation	Confederated Tribes of the Warm Springs Reservation of Oregon	100000061	11.04

Enforcement and Compliance

Compliance Monitoring History

Last 5 Years

Statute	Source ID	System	Activity Type	Compliance Monitoring Type	Lead Agency	Date	Finding (if applicable)
CAA	100000000000000039	ICIS-Air	Inspection/Evaluation	FCE On-Site	EPA	08/27/2019	
RCRA	*ORD089452353*	*ICIS*	*Information Request*	*Formal*	*EPA*	*03/04/2019*	
RCRA	*ORD089452353*	*ICIS*	*Offsite Record Review*	*Financial Record Review*	*EPA*	*11/06/2018*	
RCRA	*ORD089452353*	*ICIS*	*Inspection/Evaluation*	*Focused*	*EPA*	*09/20/2018*	
RCRA	ORD089452353	RCRAInfo		COMPLIANCE EVALUATION INSPECTION ON-SITE	State	03/15/2023	Undetermined, Agency May Still be Determining

Statute	Source ID	System	Activity Type	Compliance Monitoring Type	Lead Agency	Date	Finding (if applicable)
RCRA	ORD089452353	RCRAInfo		COMPLIANCE EVALUATION INSPECTION ON-SITE	State	03/14/2023	Undetermined, Agency May Still be Determining
RCRA	ORD089452353	RCRAInfo		COMPLIANCE EVALUATION INSPECTION ON-SITE	State	12/14/2022	No Violations Or Compliance Issues Were Found
RCRA	ORD089452353	RCRAInfo		COMPLIANCE EVALUATION INSPECTION ON-SITE	State	08/30/2022	Undetermined, Agency May Still be Determining
RCRA	*ORD089452353*	*RCRAInfo*		*FACILITY SELF DISCLOSURE*	*State*	*09/03/2021*	*Violations Or Compliance Issues Were Found*
RCRA	*ORD089452353*	*RCRAInfo*		*NON-FINANCIAL RECORD REVIEW*	*EPA*	*08/26/2020*	*Undetermined, Agency May Still be Determining*
RCRA	*ORD089452353*	*RCRAInfo*		*NOT A SIGNIFICANT NON-COMPLIER*	*EPA*	*08/06/2020*	*No Violations Or Compliance Issues Were Found*
RCRA	ORD089452353	RCRAInfo		COMPLIANCE EVALUATION INSPECTION ON-SITE	State	03/10/2020	No Violations Or Compliance Issues Were Found
RCRA	*ORD089452353*	*RCRAInfo*		*NON-FINANCIAL RECORD REVIEW*	*State*	*02/18/2020*	*Violations Or Compliance Issues Were Found*
RCRA	ORD089452353	RCRAInfo		COMPLIANCE EVALUATION INSPECTION ON-SITE	State	12/17/2019	No Violations Or Compliance Issues Were Found
RCRA	*ORD089452353*	*RCRAInfo*		*SIGNIFICANT NON-COMPLIER*	*EPA*	*07/03/2019*	*Undetermined, Agency May Still be Determining*
RCRA	*ORD089452353*	*RCRAInfo*		*FOCUSED COMPLIANCE INSPECTION*	*State*	*11/28/2018*	*No Violations Or Compliance Issues Were Found*
RCRA	*ORD089452353*	*RCRAInfo*		*FINANCIAL RECORD REVIEW*	*EPA*	*10/02/2018*	*Undetermined, Agency May Still be Determining*
RCRA	*ORD089452353*	*RCRAInfo*		*FOCUSED COMPLIANCE INSPECTION*	*EPA*	*09/18/2018*	*Violations Or Compliance Issues Were Found*
RCRA	ORD089452353	RCRAInfo		COMPLIANCE EVALUATION INSPECTION ON-SITE	State	09/18/2018	Violations Or Compliance Issues Were Found
SDWA	*OR4194718*	*SDWIS*		*Sanitary Survey, Complete*	*State*	*11/13/2018*	

Entries in italics are not counted as EPA official inspections.

SDWA (Safe Drinking Water Act) Sanitary Survey Results (5 Years)

Source ID	Date	Type	Agency	Data Verification	Distribution	Management Operation	Finished Water Storage	Operator Compliance	Other Evaluation	Pumps	Security	Source	Financial	Treatment
OR4194718	11/13/2018	Sanitary Survey, Complete	County	N (No deficiencies or recommendations.)	N (No deficiencies or recommendations.)	N (No deficiencies or recommendations.)	N (No deficiencies or recommendations.)	N (No deficiencies or recommendations.)	N (No deficiencies or recommendations.)	N (No deficiencies or recommendations.)	Z (Not Applicable)	S (Significant deficiencies.)	Z (Not Applicable)	N (No deficiencies or recommendations.)

Sanitary survey result codes:

S = Significant Deficiencies
M = Minor Deficiencies
R = Recommendations Made
N = No Deficiencies or Recommendations
X = Not Evaluated
Z = Not Applicable
D = Sanitary Defect
-- = Not Reported to EPA

Compliance Summary Data

Statute	Source ID	Current SNC (Significant Noncompliance)/HPV (High Priority Violation)	Current As Of	Qtrs with NC (Noncompliance) (of 12)	Data Last Refreshed
CAA	100000000000000039	No	06/10/2023	0	06/09/2023
RCRA	OR3680000079	No	06/10/2023	0	06/09/2023
RCRA	ORD089452353	No	06/10/2023	12	06/09/2023
SDWA	OR4194718	No	12/31/2022	0	04/05/2023

Three-Year Compliance History by Quarter

Statute	Program/Pollutant/Violation Type	QTR 1	QTR 2	QTR 3	QTR 4	QTR 5	QTR 6	QTR 7	QTR 8	QTR 9	QTR 10	QTR 11	QTR 12+
CAA (Source ID: 100000000000000039)		07/01-09/30/20	10/01-12/31/20	01/01-03/31/21	04/01-06/30/21	07/01-09/30/21	10/01-12/31/21	01/01-03/31/22	04/01-06/30/22	07/01-09/30/22	10/01-12/31/22	01/01-03/31/23	04/01-06/30/23
	Facility-Level Status	No Violation Identified	No Violation Identified	No Violation Identified	No Violation Identified	No Violation Identified	No Violation Identified	No Violation Identified	No Violation Identified	No Violation Identified	No Violation Identified	No Violation Identified	No Violation Identified
	HPV History												
	Violation Type / Agency / Programs / Pollutants												

Statute	Program/Pollutant/Violation Type		QTR 1	QTR 2	QTR 3	QTR 4	QTR 5	QTR 6	QTR 7	QTR 8	QTR 9	QTR 10	QTR 11	QTR 12+
RCRA (Source ID: OR3680000079)			07/01-09/30/20	10/01-12/31/20	01/01-03/31/21	04/01-06/30/21	07/01-09/30/21	10/01-12/31/21	01/01-03/31/22	04/01-06/30/22	07/01-09/30/22	10/01-12/31/22	01/01-03/31/23	04/01-06/30/23
	Facility-Level Status		No Violation Identified	No Violation Identified	No Violation Identified	No Violation Identified	No Violation Identified	No Violation Identified	No Violation Identified	No Violation Identified	No Violation Identified	No Violation Identified	No Violation Identified	No Violation Identified
	Violation	Agency												
RCRA (Source ID: ORD089452353)			07/01-09/30/20	10/01-12/31/20	01/01-03/31/21	04/01-06/30/21	07/01-09/30/21	10/01-12/31/21	01/01-03/31/22	04/01-06/30/22	07/01-09/30/22	10/01-12/31/22	01/01-03/31/23	04/01-06/30/23
	Facility-Level Status		Significant Noncomplier	Violation	Violation	Violation	Violation Identified	Violation	Violation	Violation	Violation	Violation	Violation	Violation
	Evaluation	Agency												
RCRA	Significant Noncomplier	EPA	07/03/2019-08/06/2020											
	Violation	Agency												
RCRA	264.H: TSD - Financial Requirements	EPA	09/25/2020	→	→	→	→	→	→	→	→	→	→	→
RCRA	268.A: LDR - General	OR					09/03/2021-09/03/2021							

Statute	Violation Type/Category	QTR 1	QTR 2	QTR 3	QTR 4	QTR 5	QTR 6	QTR 7	QTR 8	QTR 9	QTR 10	QTR 11	QTR 12	QTR 13*
SDWA (Source ID: OR4194718)		01/01-03/31/20	04/01-06/30/20	07/01-09/30/20	10/01-12/31/20	01/01-03/31/21	04/01-06/30/21	07/01-09/30/21	10/01-12/31/21	01/01-03/31/22	04/01-06/30/22	07/01-09/30/22	10/01-12/31/22	01/01-03/31/23
	Facility-Level Status	No Violation	No Violation	No Violation	No Violation	No Violation	No Violation	No Violation	No Violation	No Violation	No Violation	No Violation	No Violation	In Progress
	Category / Violation Type													

*Quarter 13 data is voluntarily entered and/or incomplete, and may not form a complete picture for that quarter. Read more

SDWA Compliance Data Last Reported: 12/31/2022

Informal Enforcement Actions

Last 5 Years

Statute	System	Source ID	Type of Action	Lead Agency	Date
RCRA	RCRAInfo	ORD089452353	PRE-ENFORCEMENT NOTICE	State	10/21/2021
RCRA	RCRAInfo	ORD089452353	PRE-ENFORCEMENT NOTICE	State	05/08/2020
RCRA	RCRAInfo	ORD089452353	LETTER OF INTENT TO INITIATE ENFORCEMENT ACTION	EPA	10/16/2019
RCRA	RCRAInfo	ORD089452353	WRITTEN INFORMAL	State	10/15/2018

Entries in italics are not counted as "informal enforcement actions" in EPA policies pertaining to enforcement response tools.

Formal Enforcement Actions Last 5 Years

Statute	System	Law/Section	Source ID	Type of Action	Case No.	Lead Agency	Case Name	Issued/Filed Date	Settlements/Actions	Settlement/Action Date	Federal Penalty Assessed	State/Local Penalty Assessed	Penalty Amount Collected	SEP Value	Comp Action Cost
RCRA	ICIS	3008A	RCRAINFO/ORD089452353	Administrative - Formal	10-2020-0111	EPA	CHEMICAL WASTE MANAGEMENT OF THE NW (RCRA HW)	09/25/2020	1	09/25/2020	$25,000	$0	$25,000	$0	$0
RCRA	RCRAInfo	--	RCRAINFO/ORD089452353	FINAL 3008(A) COMPLIANCE ORDER	--	EPA	--	--	1	09/25/2020	$25,000	$0	--	--	--
RCRA	RCRAInfo	--	RCRAINFO/ORD089452353	INITIAL 3008(A) COMPLIANCE	--	EPA	--	--	1	09/25/2020	--	$0	--	--	--

SDWA (Safe Drinking Water Act) Violations and Enforcement Actions (5 Years)

Violations											Enforcement Actions			
Source ID	Noncompliance Period	Violation ID	Federal Rule	Contaminant	Category	Description	Measured Value	State MCL (Maximum Contaminant Level)	Federal MCL (Maximum Contaminant Level)	Status	Date	Category	Description	Agency

No data records returned

Environmental Conditions

Watersheds

12-Digit WBD (Watershed Boundary Dataset) HUC (RAD (Reach Address Database))	WBD (Watershed Boundary Dataset) Subwatershed Name (RAD (Reach Address Database))	State Water Body Name (ICIS (Integrated Compliance Information System))	Beach Closures Within Last Year	Beach Closures Within Last Two Years	Pollutants Potentially Related to Impairment	Watershed with ESA (Endangered Species Act)-listed Aquatic Species?

No data records returned

Assessed Waters From Latest State Submission (ATTAINS)

State	Report Cycle	Assessment Unit ID	Assessment Unit Name	Water Condition	Cause Groups Impaired	Drinking Water Use	Aquatic Life	Fish Consumption Use	Recreation Use	Other Use

No data records returned

Air Quality Nonattainment Areas

Pollutant	Within Nonattainment Status Area?	Nonattainment Status Applicable Standard(s)	Within Maintenance Status Area?	Maintenance Status Applicable Standard(s)

No data records returned

Pollutants

Toxics Release Inventory History of Reported Chemicals Released in Pounds per Year at Site

Air Pollutant Report TRI Pollution Prevention Report

TRI Facility ID	Year	Total Air Emissions	Surface Water Discharges	Off-Site Transfers to POTWs (Publicly Owned Treatment Works)	Underground Injections	Releases to Land	Total On-Site Releases	Total Off-Site Transfers
97812CHMCL17629	2021	9,020	--	0	--	2,256,144	2,265,164	352,449
97812CHMCL17629	2020	35,131	--	0	--	2,006,003	2,041,134	545,573
97812CHMCL17629	2019	9,487	--	0	--	2,138,160	2,147,647	2,361,857
97812CHMCL17629	2018	10,290	--	0	--	5,990,736	6,001,026	930,098
97812CHMCL17629	2017	9,145	--	0	--	9,541,375	9,550,520	364,967
97812CHMCL17629	2016	9,633	--	0	--	8,001,777	8,011,410	240,407
97812CHMCL17629	2015	11,355	--	0	--	6,448,003	6,459,358	158,288
97812CHMCL17629	2014	10,670	--	0	--	6,798,387	6,809,057	68,750
97812CHMCL17629	2013	3,576	--	0	--	7,971,454	7,975,030	56,954
97812CHMCL17629	2012	1,058	--	0	--	13,960,721	13,961,779	7,191

Toxics Release Inventory Total Releases and Transfers in Pounds by Chemical and Year

Chemical Name	2021	2020	2019	2018	2017	2016	2015	2014	2013	2012
1,1,1-Trichloroethane	--	--	--	38,179	23,077	30,471	48,544	16,370	16,236	--
1,1,2-Trichloroethane	--	--	--	18,411	--	14,889	17,266	--	--	--
1,2,4-Trimethylbenzene	33,118	30,686	30,042	--	--	--	--	--	--	--
1,2-Dichlorobenzene	--	--	--	18,413	--	14,897	17,277	--	--	--
1,2-Dichloroethane	--	--	--	9,424	17,289	15,839	14,423	--	--	--
1,4-Dichlorobenzene	--	--	--	28,451	22,201	29,799	22,627	--	--	--
1,4-Dioxane	55,800	221,344	--	--	--	--	13,368	16,108	15,400	--
2,4-Dimethylphenol	--	--	--	18,416	10,043	14,733	21,212	--	--	--
2-Ethoxyethanol	--	--	--	19,846	--	15,930	21,363	11,454	--	589
2-Nitropropane	--	--	--	19,846	--	15,930	21,363	11,454	--	22,488
Acetonitrile	--	--	21,105	18,437	16,801	11,222	--	--	--	--
Acrylonitrile	--	--	--	--	--	--	13,374	16,198	15,398	--
Aldrin	195	57	26	7,453	13,011	14,895	11,792	222	546	2,275
Aluminum (fume or dust)	--	--	--	--	--	--	--	--	1,999,834	5,478,283
Ammonia	68,485	--	--	--	--	--	--	--	--	128,447
Anthracene	--	--	--	27,592	--	15,310	23,618	--	--	75,110
Antimony	--	--	--	--	--	--	15,141	20,200	16,202	--
Arsenic	--	--	--	33,073	25,098	27,717	33,415	--	--	28,755
Asbestos (friable)	--	--	--	2,191,691	5,352,735	3,727,595	1,447,837	1,789,399	2,340,221	2,014,580
Barium	257,758	225,772	305,640	176,236	247,285	238,459	355,051	211,122	256,339	291,192
Benzene	--	--	--	31,771	23,664	42,818	53,121	25,318	16,567	17,192
Benzo[g,h,i]perylene	986	10,315	656	18,537	9,770	15,446	22,943	11,530	1,256	6,050
Beryllium	--	--	--	--	--	--	13,426	17,497	16,571	--
Cadmium	--	--	--	12,548	59,497	--	--	12,454	17,069	24,706
Carbon disulfide	--	--	--	18,475	--	14,940	23,429	--	--	--
Carbon tetrachloride	--	--	--	28,941	17,915	22,587	26,129	--	--	--

Chemical Name	2021	2020	2019	2018	2017	2016	2015	2014	2013	2012
Chlordane	195	58	30	21,320	17,851	22,308	24,875	424	549	2,278
Chloroform	--	--	--	16,699	13,074	15,969	11,873	--	--	--
Chlorothalonil	--	--	--	--	--	--	--	--	26,597	16,313
Chromium	91,863	80,956	49,303	43,709	65,373	22,203	57,444	40,127	54,660	99,374
Cobalt	24,593	12,701	--	--	--	29,447	--	13,657	39,073	101,081
Copper	82,653	80,629	67,128	42,411	50,394	48,947	75,305	63,228	115,860	79,407
Creosote	--	323,861	1,923,771	695,394	--	15,384	248,204	25,136	--	--
Cresol (mixed isomers)	--	--	10,220	10,211	--	--	--	--	--	--
Cumene	--	--	--	--	--	--	--	--	--	18,571
Cyclohexane	--	--	--	22,881	--	21,148	26,582	--	--	--
Di(2-ethylhexyl) phthalate	--	--	12,997	20,161	13,610	17,932	55,707	17,099	16,847	--
Dibenzofuran	--	--	--	--	--	--	--	--	--	120,100
Dibutyl phthalate	--	--	--	36,924	19,384	29,961	57,146	16,282	15,427	--
Dichloromethane	--	--	--	21,588	14,793	26,497	33,063	16,655	17,002	--
Diethanolamine	28,936	21,637	24,144	26,077	38,839	84,702	35,588	80,504	70,176	89,949
Diisocyanates	13,312	--	--	26,572	--	--	--	--	--	--
Dinitrobutyl phenol	--	--	--	--	--	14,766	11,476	--	--	--
Ethylbenzene	--	11,017	22,947	25,655	16,631	22,103	40,528	20,363	16,880	27,497
Ethylene glycol	42,865	11,883	53,475	648,454	1,603,574	1,620,903	1,367,625	1,244,614	29,088	--
Freon 113 (CFC-113)	--	--	--	18,462	--	15,045	30,652	16,144	15,341	--
Heptachlor	195	58	26	28,002	22,686	29,617	31,712	222	546	2,275
Hexachlorobenzene	195	58	17	1,269	3,323	180	312	219	542	2,274
Hydrogen fluoride	--	--	19,939	--	--	--	--	17,095	--	12,537
Lead	1,153,803	627,918	1,140,833	1,489,752	1,372,935	881,734	1,087,372	--	--	--
Lead compounds	--	--	--	--	--	--	--	1,806,748	2,273,645	2,040,202
Lithium carbonate	33,060	--	--	--	--	--	--	--	--	--

Chemical Name	2021	2020	2019	2018	2017	2016	2015	2014	2013	2012
Manganese	124,404	75,878	37,021	17,635	34,045	--	33,631	92,344	177,305	200,169
Mercury	1,106	735	836	944	4,858	464	2,154	--	--	--
Mercury compounds	--	--	--	--	--	--	--	563	4,616	4,273
Methanol	52,693	63,756	46,419	45,162	42,752	53,579	48,056	23,785	17,612	--
Methoxychlor	194	626	693	1,268	3,319	179	314	219	542	2,271
Methyl isobutyl ketone	16,199	--	--	20,365	14,306	19,098	34,316	21,455	17,226	--
Methyl methacrylate	--	--	--	--	--	--	13,771	16,108	15,395	--
Molybdenum trioxide	--	--	31,916	--	--	18,877	--	12,153	--	--
Naphthalene	10,868	207,224	14,068	26,608	22,524	46,699	53,415	8,967	--	1,647,418
Nickel	85,233	150,139	70,803	101,415	64,663	100,027	123,327	--	--	--
Nickel compounds	--	--	--	--	--	--	--	107,659	150,459	199,015
Nitrate compounds (water dissociable; reportable only when in aqueous solution)	18,129	46,075	33,792	--	25,928	--	--	--	--	--
Nitric acid	37,417	--	57,941	--	2,613	--	--	--	--	18,027
Pentachlorophenol	--	--	--	15,350	13,137	15,730	23,769	--	--	228,586
Phenanthrene	--	29,741	--	43,239	--	32,278	53,368	--	--	313,875
Phenol	--	--	--	41,096	30,210	38,284	60,506	17,284	22,173	10,358
Phenolphthalein	10,528	--	--	--	--	--	--	--	--	--
Phosphorus (yellow or white)	--	63,773	63,570	56,627	48,035	57,474	54,285	32,641	--	--
Polychlorinated biphenyls	18,305	28,242	73,564	26,287	15,687	22,966	29,136	778,415	29,898	102,112
Polycyclic aromatic compounds	6,561	60,050	46,844	160,316	81,086	112,433	167,559	9,952	30,472	248,428
Pyridine	--	--	--	38,767	22,873	30,120	34,456	--	--	--
Selenium	--	--	--	--	--	9,357	11,837	--	--	--
Sodium nitrite	--	--	--	--	30,004	34,112	--	13,729	--	146,966
Styrene	--	--	22,220	20,898	77,277	27,028	29,618	19,868	--	--
Tetrabromobisphenol A	--	--	--	--	--	--	--	--	303	656
Tetrachloroethylene	--	--	--	43,193	51,956	46,923	99,436	43,237	33,743	17,894
Toluene	87,850	33,869	95,511	79,238	58,298	50,314	75,399	41,070	37,706	--
Toxaphene	393	58	29	7,455	12,596	14,692	11,815	224	548	2,280
Trichloroethylene	--	--	--	39,455	24,576	32,192	49,389	16,824	15,996	17,636
Trichlorofluoromethane (CFC-11)	--	--	--	18,747	10,038	15,270	17,569	--	--	--
Trifluralin	4	130	--	--	--	--	--	--	--	--
Vanadium (except when contained in an alloy)	--	--	20,245	--	--	--	--	--	--	--
Vinyl chloride	--	--	--	13,690	21,655	29,172	14,256	--	--	--
Xylene (mixed isomers)	63,666	68,948	117,305	62,222	45,775	48,850	45,451	17,379	8,357	--
Zinc compounds	196,055	98,515	94,430	85,515	66,426	173,697	64,839	49,950	50,347	107,482
n-Butyl alcohol	--	--	--	34,355	--	19,687	33,789	16,141	15,415	--

SDWA (Safe Drinking Water Act) Lead and Copper (Last 5 Years)

Source ID	Contaminant	Sample Dates	90th Percentile Sample Concentrations	Action Level	Health-Based Violations
OR4194718	Lead	2020-01-01 - 2022-12-31	0 mg/L	0.015 mg/L	--
OR4194718	Lead	2017-01-01 - 2019-12-31	.006 mg/L		
OR4194718	Copper	--	No data records returned.	1.3 mg/L	

Community

Environmental Justice

This section shows indexes from EJScreen, EPA's screening tool for environmental justice (EJ) concerns. EPA uses these indexes to identify geographic areas that may warrant further consideration or analysis for potential EJ concerns. Use of these indexes does not designate an area as an "EJ community" or "EJ facility." EJScreen provides screening level indicators, not a determination of the existence or absence of EJ concerns. For more information, see the EJScreen home page.

EJScreen Indexes Shown

Compare to ◉ US ○ State

Index Type ○ Environmental Justice ◉ Supplemental

Related Reports

EJScreen Report

Download Data

Census Block Group ID: 410219601001	US (Percentile)	
Supplemental Indexes	Facility Census Block Group	1-mile Max
Count of Indexes At or Above 80th Percentile	**0**	**0**
Particulate Matter 2.5	28	28
Ozone	48	48
Diesel Particulate Matter	2	2
Air Toxics Cancer Risk	24	24
Air Toxics Respiratory Hazard Index	42	42
Traffic Proximity	18	18
Lead Paint	64	64
Risk Management Plan (RMP) Facility Proximity	4	4
Hazardous Waste Proximity	22	22
Superfund Proximity	15	15
Underground Storage Tanks (UST)	32	32
Wastewater Discharge	35	35

○ Facility 1-mile Radius ☐ Facility Census Block Group

Demographic Profile of Surrounding Area (1 mile)

This section provides demographic information regarding the community surrounding the facility. ECHO compliance data alone are not sufficient to determine whether violations at a particular facility had negative impacts on public health or the environment. Statistics are based upon the 2010 U.S. Census and 2016 - 2020 American Community Survey (ACS) 5-year Summary and are accurate to the extent that thefacility latitude and longitude listed below are correct. EPA's spatial processing methodology considers the overlap between the selected radii and the census blocks (for U.S. Census demographics) and census block groups (for ACS demographics) in determining the demographics surrounding the facility. For more detail about this methodology, see the DFR Data Dictionary.

No demographic profile information available for this facility.

LAST UPDATED ON SEPTEMBER 21, 2022

DATA REFRESH INFORMATION