

**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION VII
11201 Renner Boulevard
Lenexa, Kansas 66219**

In the Matter Of:)	
)	
A-TEC Recycling, Inc.)	
5745 NE 17 th Street)	Approval to Commercially
Des Moines, Iowa 50313)	Store Polychlorinated Biphenyl Waste
EPA ID No. IA0000109827)	

AUTHORITY

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

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BACKGROUND

A-TEC Recycling, Inc. (“A-TEC”) owns and operates a facility located at 5745 NE 17th Street, in Des Moines, Iowa, at which it functions as a commercial storer of PCB waste (as defined in 40 CFR § 761.3) and is engaged in storage activities requiring the EPA approval.

On April 2, 2008, A-TEC submitted an initial notice and application to commercially store PCB waste, which the EPA approved on June 10, 2008, and renewed on September 12, 2013. On June 26, 2019, A-TEC applied for renewal of its PCB waste commercial storage approval. The renewal application submitted on June 26, 2019, is the subject document reviewed for the issuance of this Approval.

APPLICABLE REGULATIONS

This Approval incorporates, and is issued in accordance with, applicable requirements of the PCB Regulations at 40 CFR Part 761. The rules applicable to the storage for disposal of PCBs at concentrations of 50 ppm or greater and PCB Items with PCB concentrations of 50 ppm or greater are codified at 40 CFR § 761.65, “Storage for disposal.” The PCB Regulations require, among other things, that commercial storers of PCB waste, storing certain TSCA-regulated PCB-containing material, obtain a written approval issued by the Regional Administrator for the region in which the storage facility is located. On April 29, 2019, the authority of the Regional Administrator was delegated to the Director of the Land, Chemical & Redevelopment Division, Region 7.

FINDINGS

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

EFFECTIVE DATE

This Approval shall become effective upon signature and shall expire 10 years from such date, unless suspended, revoked or terminated, or administratively continued, in accordance with the conditions of this Approval, or unless otherwise authorized under applicable law.

DEFINITIONS

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

“A-TEC” means A-TEC Recycling Inc., the company which owns and operates the storage unit and real property at the PCB waste commercial storage facility located at 5745 NE 17th Street, Des Moines, Iowa, and which is approved to commercially store PCB waste under this Approval.

“A-TEC Facility” and “Facility” mean all contiguous land and improvements on the land and all structures and other appurtenances of the PCB waste commercial storage facility located at 5745 NE 17th Street, Des Moines, Iowa.

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

“Application” and “A-TEC Application” mean all data and materials upon which the EPA based its decision to approve A-TEC’s request for approval to commercially store PCBs and PCB Items, e.g. information submitted to the EPA by A-TEC to define, represent, or describe A-TEC’s commercial storage operations. This includes A-TEC’s June 26, 2019, renewal application and any subsequent A-TEC application that the EPA approves in writing as a modification to this Approval.

“CFR” means the Code of Federal Regulations.

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

“Delegate” means the Director of the Land, Chemical & Redevelopment Division, Region 7.

“Director” means the Director of the Land, Chemical & Redevelopment Division within Region 7, U.S. EPA in Lenexa, Kansas. Phone Number: (913) 551-7003 or 1-800-223-0425. Mailing Address: U.S. EPA Region 7, 11201 Renner Boulevard, Lenexa, Kansas 66219.

“Electrical equipment” means Fluorescent light ballast, small capacitors and equipment identified in A-TEC’s closure plan for the A-TEC Facility.

"EPA" means the United States Environmental Protection Agency Region 7.

“Fluorescent light ballast” and “FLB” means a device that electrically controls fluorescent light fixtures and that includes a capacitor containing 0.1 kg or less of dielectric fluid.

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

“LCARD” means the Land, Chemical & Redevelopment Division, EPA Region 7.

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

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

“MSC” means maximum storage capacity.

“PCB” means polychlorinated biphenyl(s).

“PCB Equipment” means any manufactured item, other than a PCB Container or a PCB Article Container, which contains a PCB Article or other PCB Equipment, and includes electronic equipment, and fluorescent light ballasts and fixtures.

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

“Regional Administrator” means the Regional Administrator, Region 7.

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

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

CONDITIONS OF APPROVAL

A. General Conditions

1. Approval Compliance

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

(b) This Approval supersedes all previous Approvals for the commercial storage of PCB waste at the Facility issued by the EPA to A-TEC.

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

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

(e) A-TEC is liable for the actions of its employees, agents, contractors, and subcontractors in the operation of the Facility.

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

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

2. Duty to Report Noncompliance

(a) If at any time A-TEC becomes aware that it is operating the Facility in a manner that is not in compliance with this Approval or other applicable provisions of the PCB Regulations, A-TEC shall notify the EPA Region 7 PCB Coordinator within 24 hours and shall submit a written report to the EPA Region 7 PCB Coordinator describing the noncompliance within five calendar days.

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

(a) The EPA reserves the right to modify, suspend, revoke or terminate this Approval:

(i) If A-TEC fails to operate the Facility in compliance with this Approval;

(ii) If there is reason to believe that continued operation of the Facility presents an unreasonable risk of injury to health or the environment, or if new regulations or standards become applicable rendering such modification, suspension, revocation, or termination appropriate. Upon request, A-TEC shall provide information the EPA deems necessary to determine whether cause exists for modification, suspension, revocation or termination of this Approval. A-TEC shall provide such information within the time frame specified in the EPA's request, or if no time frame is specified, within 15 calendar days of the EPA's request unless impracticable;

(iii) Upon discovering misrepresentation(s) or omission(s) of material fact(s) in the A-TEC Application; or

(iv) For environmental civil violations committed by or criminal convictions of A-TEC, its principles or key employees.

(b) The EPA's right to modify, suspend, revoke or terminate this Approval does not in any way preclude its right to commence appropriate enforcement action under any or all applicable statutes and regulations. The EPA reserves any rights and remedies available to it under TSCA, the PCB Regulations, and any other Federal laws or regulations for which the EPA has jurisdiction, to enforce the provisions of this Approval.

4. Application and Approval Modifications

(a) A-TEC must submit an application and receive written EPA approval for any modification to the A-TEC Application or to this Approval. A-TEC must not implement any such modifications until it receives written EPA consent.

(b) Minor modifications to the A-TEC Application or to this Approval shall be submitted to the EPA Region 7 PCB Coordinator and shall be implemented only after receipt of written consent.

(c) Major modifications to the A-TEC Application or to this Approval shall be submitted to the EPA Regional Administrator or his or her delegate and shall be implemented only after receipt of written consent.

5. Approval Expiration/Renewal

(a) This Approval shall expire 10 years from the date of issuance of this Approval. This Approval and its conditions herein will remain in effect beyond the Approval expiration date if a complete renewal application is received within the time period specified in condition A.5(b) and the EPA has determined in writing that the application is complete.

(b) To continue the commercial storage of PCBs and PCB Items granted by this Approval after the expiration date of this Approval, A-TEC shall submit a complete renewal application at least 90, but not more than 180 days prior to the expiration date of this Approval. A complete renewal application must contain, at a minimum, information listed in 40 CFR § 761.65(d)(3). A complete renewal application is considered to be information submitted in the most recently approved application, with appropriate modifications or updates based on proposed revisions to the original approval, which may include design and operation changes, updated safety protocols, and revised operating and testing procedures. The EPA may require A-TEC to submit additional information to support the renewal of this Approval. If A-TEC submits this information to EPA at least 90 days prior to the expiration date of this approval, and the EPA has determined in writing that the application is complete, this approval continues in force (i.e., does not expire) until the EPA issues an approval renewal, a conditional approval renewal, or an approval request denial.

(c) If A-TEC does not submit a complete renewal application at least 90 days prior to the expiration date of this Approval, this Approval will expire as specified in condition A.5(a). Failure to submit a renewal application as described in condition A.5(b) will be treated as evidence of A-TEC's intent to close.

6. Entry and Inspection

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

(i) conduct interviews;

(ii) inspect and/or collect copies of records and monitoring data;

(iii) take sample(s); and

(iv) inspect, observe and document A-TEC's activities, equipment, work practices, operations and processes.

7. Change in Ownership or Operational Control

(a) A-TEC shall notify the Regional Administrator in writing at least 90 days before it intends to transfer ownership or operational control of the Facility. This notification shall include the name, address and telephone number of the intended transferee. A copy of this notification shall be sent to the EPA Region 7 PCB Coordinator. Along with such notification, A-TEC shall submit an application to modify the A-TEC Application providing the information required in all applicable provisions of 40 CFR § 761.65(d)(3), along with a notarized affidavit signed by the

intended transferee stating that it will abide by all conditions of the Application, including the proposed modifications submitted in connection with the intended transfer of ownership or operation.

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

(i) Modify the approval to substitute the transferee's name for A-TEC and make other conforming minor modifications, or

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

(c) The intended transferee shall not operate the Facility until the Regional Administrator or his or her delegate issues an approval in the transferee's name.

(d) A-TEC must maintain its financial assurance for closure for the Facility until the intended transferee has established financial assurance for closure of the Facility pursuant to 40 CFR § 761.65(g) and the EPA issues an approval in the transferee's name.

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

8. Bankruptcy

(a) A-TEC must notify the EPA within 30 days of filing for bankruptcy so that the EPA may ensure compliance with the requirements of this Approval, including the maintenance of adequate financial assurance, and ensure that ongoing Facility operations will not pose unreasonable risk of injury to health or the environment.

9. Change in Flood Plain Designation

(a) A-TEC must submit a written notification to the EPA Regional PCB Coordinator immediately upon re-designation of the Facility within a 100-year flood plain. The EPA may modify, suspend, revoke or terminate this Approval if the EPA determines that the change in flood plain designation, or any change in Facility operations resulting from or associated with such change in flood plain designation, may pose unreasonable risk of injury to health or the environment.

10. Severability

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

B. PCB Storage Management

1. PCB Storage Areas

(a) A-TEC's approved PCB storage areas are described below and are depicted in Attachment A. These PCB storage areas shall be maintained in compliance with 40 CFR § 761.65 and the A-TEC Application.

(i) "PCB Storage Area": 15 feet long by 9 feet wide with continuous 6 inches high concrete curbing and a concrete slab floor, approximately 135 square feet.

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

C. Maximum Storage Capacities

1. Maximum Storage Capacities for PCBs and PCB Items

(a) The maximum storage capacity ("MSC") and the categories of PCBs and PCB Items permitted to be stored at any time in each approved storage area are specified below. A-TEC's ability to store PCBs and PCB Items at the Facility is limited to the categories and quantities specified below for each PCB storage area. A-TEC shall not accept or store any PCBs or PCB Items which have not been described below or quantities in excess of those listed below, unless otherwise approved by the EPA in writing on a case-by-case basis.

(i) "PCB Storage Area": 16,800 pounds of PCB-Contaminated Electrical Equipment (≥ 500 PPM PCB), limited to fluorescent light ballasts (FLB, FLBs) and small capacitors, contained in a maximum of 21 drums, not to exceed the total Footprint of the 135 square foot PCB Storage Area.

A-TEC shall not substitute capacity of one of the PCB or PCB Item categories described above to prevent exceedance of the MSC in another PCB or PCB Item category.

2. Storage Requirements for PCBs and PCB Items

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

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

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

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

3. PCB Waste Storage Container Requirements

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

(b) A-TEC's use of a PCB waste storage container that does not comply with any of the requirements described above shall be deemed a violation of this Approval.

4. PCB Storage, Marking and Labeling

(a) A-TEC shall label all PCB Containers, PCB storage areas, and any PCB Item subject to marking requirements under 40 CFR § 761.40 with the ML label defined in 40 CFR § 761.45.

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

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

5. Storage Requirements for PCB Storage Area(s)

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

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

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

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

(e) A-TEC must document the PCB content of all incoming inventory to establish compliance with the conditions of this Approval at all times. Sampling and analytical methods must comply with applicable provisions of the PCB Regulation.

(f) If any PCB Container, PCB Article, PCB Article Container, or PCB Equipment is leaking, A-TEC shall immediately transfer the PCB Container, PCB Article, PCB Article Container, or PCB Equipment and the PCB waste therein to a properly marked, non-leaking

container. Any spilled or leaked materials shall immediately be cleaned up and the materials containing PCBs shall be disposed of in accordance with applicable provisions of the PCB Regulation and Condition F.4.

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

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

6. Storage Area Inspection Requirements

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

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

(i) PCBs and PCB Items in storage shall be checked for leaks and spills;

(ii) The condition of the floor, joints and curbing in the PCB storage area shall be checked; and

(iii) Spill response and emergency equipment as described in the A-TEC Application shall be checked and replaced or replenished as necessary.

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

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

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

1. A-TEC shall maintain and operate the Facility to prevent fire, explosion, releases of PCBs to the environment, and exposure of workers of PCBs.

2. The A-TEC Facility must be secured to restrict public access.

3. Disassembly of FLBs and PCB Items shall be conducted within the Facility.

4. Any cutting tool or other device used in processing PCBs and PCB Items must be operated in a manner to prevent heating of the material which may result in the vaporization of PCBs and the subsequent release of PCBs to the environment.

(a) A-TEC shall not use a cutting torch or other thermal method to cut metal contaminated or coated with PCBs unless the unit being cut is first decontaminated to meet the standard in 40 CFR § 761.79(b)(3)(i).

E. Worker Protection

1. A-TEC workers with access to the PCB storage area shall wear or use protective clothing or equipment at the Facility to protect against dermal contact with or inhalation of PCBs or material containing PCBs.

2. A-TEC shall comply with all applicable health and safety standards, as required by federal, state and local regulations and ordinances.

3. A-TEC shall comply with the safety provisions of the A-TEC Application.

4. All employees hired subsequent to the date of this Approval must be trained, as specified in A-TEC's personnel training program and training schedule included in the Application. In addition, A-TEC must ensure that personnel who are directly involved with handling PCBs and PCB Items are familiar with the requirements of this Approval, and the regulatory requirements under 40 CFR Part 761.

5. Within 30 days of the effective date of this Approval, A-TEC shall update the manual it uses to train workers with access to PCB storage areas so that the training manual includes applicable requirements in the PCB Regulations, with emphasis on the requirements of the "Spill Cleanup Policy," 40 CFR Part 761, Subpart G; the conditions of this Approval; and the spill response and emergency procedures submitted as part of the A-TEC Application.

6. A-TEC shall make its updated training manual available to the EPA upon request. The EPA shall have the right to review the updated A-TEC training manual and require A-TEC to correct any deficiencies in a prompt manner. Within 60 days of the effective date of this Approval, A-TEC shall retrain all existing workers that have, or will have, access to PCB storage areas in accordance with the updated A-TEC training manual.

7. All new workers must complete training in accordance with the A-TEC training manual prior to entering PCB storage areas. In addition to initial training, all workers with access to PCB storage areas must complete annual refresher training in accordance with the current A-TEC training manual.

8. Except as provided in condition E.9, the PCB concentration of non-porous surface areas located outside of PCB storage areas shall not exceed 10 $\mu\text{g}/100\text{ cm}^2$ and all porous surface located outside of PCB storage areas shall not exceed 1 ppm.

9. The PCB concentration of food handling areas, including any locations where food or drink is prepared, stored or consumed shall not exceed concentration of 1 $\mu\text{g}/100\text{ cm}^2$ for non-porous surfaces and 1 ppm for porous surfaces.

10. In the event the concentration of PCBs exceeds the levels set forth in conditions E.8 or E.9, A-TEC shall immediately begin decontamination of the affected area in accordance with applicable requirements of the PCB Regulations and this Approval. A-TEC shall not encapsulate any PCB-containing areas regardless of PCB concentration levels without specific prior written approval from the EPA.

11. A-TEC must report incidences of injury or exposure PCB to the EPA Region 7 PCB Coordinator within 24 hours of becoming aware of such injury or illness.

F. PCB Spills and Releases

1. Spills of PCBs shall be cleaned up in accordance with the requirements of the PCB Spill Cleanup Policy at 40 CFR Part 761, Subpart G or the PCB Regulations, as applicable.

2. A-TEC shall comply with applicable PCB spill reporting requirements under 40 CFR § 761.125; the Clean Water Act; and the Comprehensive Environmental Response Compensation and Liability Act. Notification to the EPA Regional Office of any PCB spill or release as required under 40 CFR § 761.125 shall be made to EPA Region 7 PCB Coordinator. A written report of the reportable spill incident under 40 CFR § 761.125 must be submitted to EPA Region 7 PCB Coordinator within five business days following the incident.

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

4. A-TEC shall immediately report to the EPA Region 7 PCB Coordinator if, as a result of any unauthorized entry or operation at the Facility, PCBs were released. To the extent known, such report shall include a description of the unauthorized entry or operation, the resulting release of PCBs, and any corrective action taken by A-TEC. Examples of unauthorized entry or operation at the Facility to be reported to the EPA include, but are not be limited to, tampering, destruction or loss at the Facility which caused the release of PCBs.

G. Emergency Provisions

1. Copies of the updated A-TEC training manual, including emergency response and spill training, and this Approval shall be maintained and be made available to all workers at the A-TEC Facility. Lists of emergency contacts, telephone numbers, and emergency exit routes shall be posted in prominent locations throughout the Facility.

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

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

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

(c) portable fire extinguishers, fire control equipment, spill control equipment, and decontamination equipment; and

- (d) water at adequate volume and pressure to supply fire hose streams or foam equipment.
3. A-TEC shall test and maintain the equipment specified above in accordance with the manufacturer's recommendations to ensure proper operation in time of emergency. In the event any of the emergency response equipment specified above was manufactured by A-TEC, A-TEC shall establish and follow a testing and maintenance plan for those manufactured items.
4. Whenever PCBs are being poured, mixed, or otherwise handled, A-TEC shall ensure that all workers involved in the operation will have immediate access to an internal alarm or emergency communication device, either directly or through visual or voice contact with another worker.
5. At all times, there shall be at least one worker present at the A-TEC Facility or on call with the responsibility for coordinating all emergency response measures. This worker shall have immediate access to the entire Facility and to a device, such as a telephone or a hand-held two-way radio, immediately available at the scene of operation capable of summoning external emergency assistance. This worker must have the authority to commit the resources needed to carry out contingency measures of this Approval, the A-TEC Application, or the PCB Regulations, or that are otherwise appropriate.
6. Within 30 calendar days from the initial issuance of this Approval, A-TEC shall provide a written description of storage activities, stored materials, and emergency procedures, as described in the A-TEC Application, to local police departments, hospitals, and state and local emergency response teams that may be called upon to provide emergency services, and shall provide updates of the written description as necessary.
7. A-TEC shall review and promptly modify, if necessary, the emergency and spill response training of the Application whenever:
- (a) such provisions fail in an emergency;
 - (b) A-TEC changes the Facility's design, construction, operation, maintenance, or emergency response policies;
 - (c) a circumstance arises that materially increases the potential for fires, explosions, or releases of PCBs or hazardous constituents;
 - (d) the list of emergency coordinators changes;
 - (e) the list of emergency equipment changes;
 - (f) a revision is warranted to prevent an unreasonable risk of injury to health and the environment; or
 - (g) The EPA determines that a revision to the Application is necessary.
 - (h) A-TEC shall submit proposed modifications, whether minor or major, to its emergency and spill response training to the EPA in the form of a modified application, and shall not implement such modifications until it receives written EPA approval.

H. Recordkeeping and Reporting

1. A-TEC shall comply with all applicable recordkeeping and reporting requirements of the PCB Regulations, including but not limited to, annual records, annual document logs and annual reports as required by § 761.180.
2. A-TEC shall maintain daily records of storage inventories which are sufficient to determine compliance with the Maximum Storage Capacity and related requirements for PCBs and PCB Items specified in condition C.1.
3. A-TEC must maintain records demonstrating compliance with the requirements of 40 CFR § 761.180(a) and (b) and this Approval:
 - (a) the inspection requirements of condition C.6(b), which shall be in the form of inspection records;
 - (b) the cleanup and disposal requirements of conditions C.6(a) and (c), F.2, and F.4;
 - (c) the repair requirements of condition C.6(d);
 - (d) the worker training requirements of conditions E.4 and E.7, which shall include the name and title of the individual, the date(s) of the training, and a signature sheet certifying that the signatory completed training in accordance with the A-TEC training manual on the date specified;
 - (e) the detection of exceedance(s) and decontamination requirements under conditions E.8, E.9, E.10, or E.11;
 - (f) the spill requirements of conditions F.1 and F.2;
 - (g) the reporting requirement of condition F.3, which shall include the items, and certification, if applicable, required under 40 CFR § 761.125;
 - (h) the disposal requirement of condition F.4;
 - (i) the equipment maintenance and testing requirements of condition G.4; and
 - (j) the emergency responder notification requirements of condition G.7; and
 - (k) Manifest requirements
 - i. A-TEC shall comply with the following provisions of 40 CFR Part 761, Subpart K, as applicable:
 - 761.207 – Manifest – General requirements;
 - 761.210 – Use of the manifest – Generator requirements;
 - 761.213 – Use of the manifest – Commercial storage and disposal facility requirements.;
 - 761.214 – Retention of manifest records;
 - 761.215 – Manifest discrepancies;

765.216 – Unmanifested waste report;
761.217 – Exception reports; and
761.219 – One-year exception reporting.

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

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

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

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

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

8. All reports, notifications and other information requested to be provided to the EPA shall be signed by an A-TEC officer or by the A-TEC Environmental and Safety Manager.

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

PCB Coordinator (Attn: Annah Murray)
U.S. Environmental Protection Agency Region 7
11201 Renner Boulevard
Lenexa, Kansas 66219

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

I. Closure and Financial Assurance

1. A-TEC shall maintain financial assurance as specified in 40 CFR § 761.65(g) and 40 CFR Part 264, Subpart H, to provide for:

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

2. The Closure Plan and Closure Cost Estimate submitted as part of the A-TEC Application is deemed acceptable under 40 CFR § 761.65(e) and is incorporated by reference into this Approval. A-TEC shall comply with the approved Closure Plan and Closure Cost Estimate.

3. A-TEC has demonstrated financial assurance for closure of the A-TEC Facility as required by 40 CFR § 761.65(g). A-TEC may not modify its mechanism for financial assurance without prior written approval from the EPA. A-TEC shall submit proposed changes to its financial assurance mechanism to EPA Region 7 PCB Coordinator and shall not implement such modification until it receives written EPA approval.

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

5. A-TEC shall modify the Closure Plan and Closure Cost Estimate whenever any changes in ownership, operating plans, maximum storage capacity or facility design affect the Closure Plan; whenever there is a change in the expected year of closure; or whenever unexpected events during closure require modification. If A-TEC becomes aware of information indicating that the estimated costs associated with performing closure of the A-TEC Facility may exceed the current Closure Cost Estimate approved by the EPA, A-TEC shall modify the Closure Plan and/or Closure Cost Estimate, as appropriate. A-TEC shall submit proposed modifications to its Closure Plan and/or Closure Cost Estimate to the EPA in the form of a modified application and shall not implement such

modifications until it receives written EPA approval. A-TEC shall base modifications to Closure Cost Estimates on maximum cost conditions, as specified in 40 CFR § 761.65(f)(i) - (iv), and shall submit them to the EPA with a “certification,” as defined in 40 CFR § 761.3.

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

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

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

9. A-TEC shall notify the Regional Administrator or his or her delegate in writing at least 60 days prior to the date it expects to begin closure. The date A-TEC “expects to begin closure” shall be no later than 30 days after the date on which A-TEC receives its final quantities of PCB waste for storage.

10. In accordance with A-TEC's approved closure plan, A-TEC shall remove all PCB waste in storage at the A-TEC Facility within 90 days after receiving the final quantity of PCB waste for storage and shall complete closure activities within 180 days after receiving the final quantity of PCB waste for storage.

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

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

13. If PCB waste is removed from the storage facility during closure, A-TEC will become a generator of PCB waste subject to the generator requirements of 40 CFR Part 761, Subpart J.

14. Within 60 days of completion of closure of the A-TEC Facility, A-TEC shall submit to the EPA Regional Administrator or his or her delegate a certification that the Facility has been closed in accordance with the approved closure plan. The certification shall be signed by A-TEC and by an independent registered professional engineer.

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DECISION TO APPROVE A-TEC APPLICATION TO COMMERCIALY STORE PCB WASTE

As described more fully in the Application for this Approval, the EPA has determined that the criteria for approval to engage in the commercial storage of PCB waste set forth in 40 CFR § 761.65(d) have been met. Specifically, the Application demonstrates that A-TEC's storage facility, storage capacity, employee qualifications, closure plan, and financial assurance for closure satisfy applicable requirements and that operation of the storage facility, when conducted in accordance with the conditions of this Approval and all applicable provisions of the PCB regulations, will not pose an unreasonable risk of injury to health or the environment. The EPA approves the A-TEC Application to commercially store PCBs and PCB Items for disposal at the A-TEC Facility.

This Approval shall become effective the date the Director of the Land, Chemical & Redevelopment Division, acting on A-TEC's Application, signs it and shall expire 10 years from such date, unless suspended, revoked or terminated, or administratively continued, in accordance with the conditions of this Approval, or unless otherwise authorized under applicable law.

This approval does not relieve A-TEC from compliance with all applicable federal, state and local regulatory requirements, including the federal PCB regulations at 40 CFR Part 761.

9/26/19

Date



John J. Smith, Acting Director
Land, Chemical & Redevelopment Division

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CERTIFICATION FORM

I, _____, _____ certify that I
Print Name of an Authorized A-TEC Representative, Title

have received and reviewed the Approval to Commercially Store Polychlorinated Biphenyls, 2019 renewal, at the A-TEC Facility in Des Moines, Iowa, on this _____ day of _____, and year of 2019, and hereby agree to abide by all Conditions of the Approval and all applicable requirements of the PCB Regulations, 40 CFR Part 761.

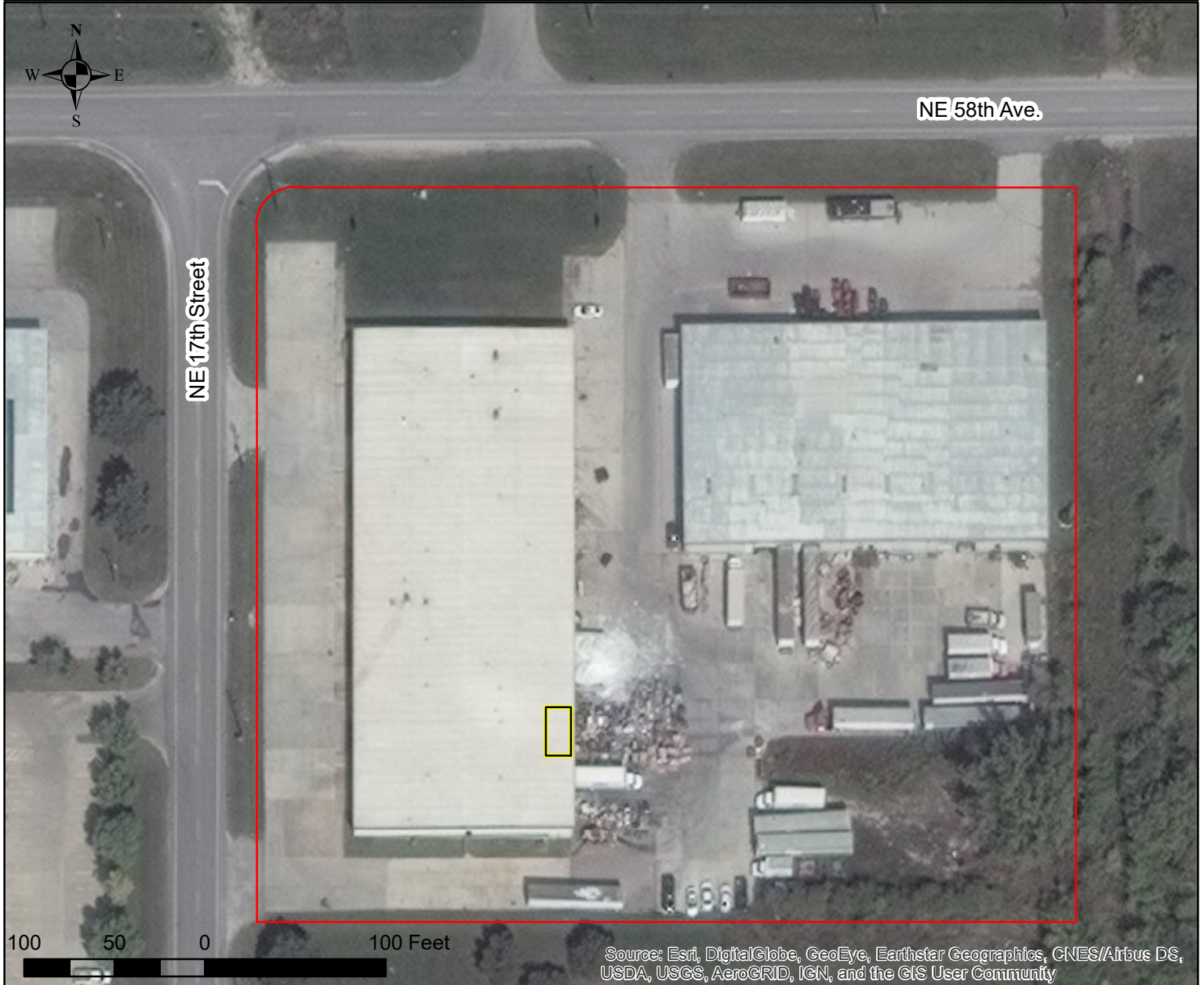
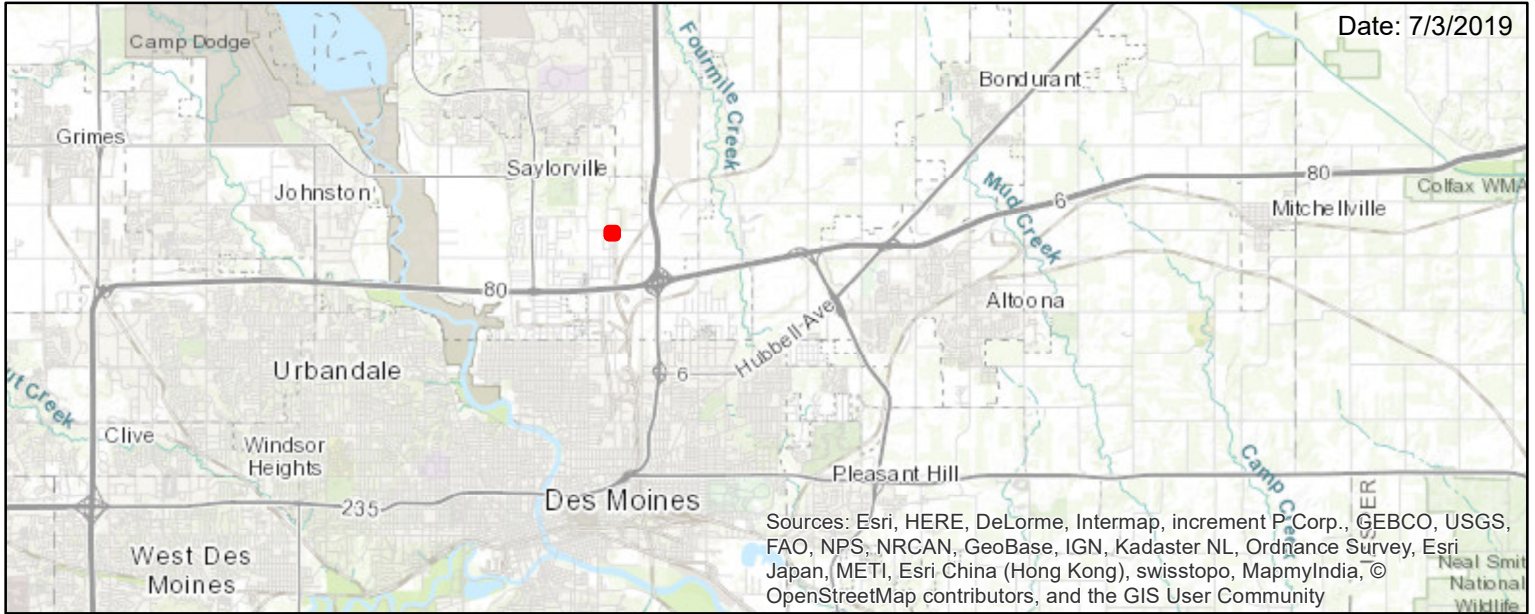
Signature

Date

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A-TEC Recycling Inc. Facility and PCB Storage Area Map

Date: 7/3/2019



- A-TEC
- A-TEC PCB Storage Area(s)