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

Mr. Bruce Riffel
Sr. Environmental Compliance Manager
Clean Harbors Deer Park, LLC
2027 Independence Parkway South
La Porte, Texas 77571

RE: United States Environmental Protection Agency (EPA) Region 6 Toxic Substances Control Act (TSCA) Polychlorinated Biphenyl (PCB) Commercial Storage and Disposal Re-authorization to the Clean Harbors Deer Park, LLC, La Porte, Texas Facility (CH) for High Temperature Incineration of Liquid and Solid PCBs in the Train 1 Incinerator (EPA ID No. TXD055141378).

Dear Mr. Riffel:

We are in receipt of your letter of October 9, 2019, requesting re-authorization of your PCB approval to store and dispose of PCBs. This letter and enclosed Conditions of Approval grants re-authorization approval to Clean Harbors for the commercial storage and high temperature incineration of liquid and solid PCBs in the Train 1 incinerator pursuant to Section 6e of the Toxic Substances Control Act (TSCA). This approval supersedes your existing PCB approval that was issued by the EPA Region 6 on April 6, 2015. A Public Notice was published in the Houston Chronicle announcing our proposal to re-authorize your approval which opened a 45-day comment period that closed on February 28, 2020. No comments were received during the comment period

A violation of 40 CFR Part 761, or any condition of this approval, may subject Clean Harbors to enforcement action under the TSCA and/or other applicable laws and regulations. Such violation could also result in termination, revocation or modification of this approval. Furthermore, receipt of evidence that: (1) a misrepresentation of any material fact has been made in any Clean Harbors submittal; (2) all relevant facts have not been disclosed; or (3) the nature of the disposal has substantially changed from the effective date of this approval, may constitute sufficient cause for termination, revocation or modification of this approval. The EPA reserves the right to add, modify or delete any approval condition upon proper notice to the applicant.

This approval becomes effective on the date of this letter and shall expire at midnight, the same day and month, five years after the date of this letter. Please submit your re-authorization request at least six months before the expiration of this approval. If the Facility submits its re-authorization request before the expiration date, then this approval shall be administratively continued until a final determination is made on your request. If you have questions, please contact James Sales, EPA Region 6 PCB Coordinator, at (214) 665-6796.

Sincerely,

4/6/2020

X Ronald D. Crossland

Ronald D. Crossland

Signed by: RONALD CROSSLAND

Director
Land, Chemical and Redevelopment Division

Enclosure

cc: Earl Lott, TCEQ

CONDITIONS OF APPROVAL
FOR
INCINERATION AND COMMERCIAL STORAGE
OF
LIQUID AND SOLID PCBs
AT
CLEAN HARBORS DEER PARK, LLC
LA PORTE, TEXAS

The terms and abbreviations in these conditions are in accordance with those defined in 40 CFR § 761.3 unless otherwise noted. The term "Facility" hereinafter refers to Clean Harbors Deer Park, LP.

I. LOCATION OF FACILITY

The Facility is located at 2027 Battleground Road, La Porte, Texas.

II. PCB WASTE AND UNITS AUTHORIZED

A. PCB WASTE UNITS AUTHORIZED

The Facility is authorized for commercial storage and disposal by incineration of liquid and solid PCBs as defined in 40 CFR § 761.3.

B. FACILITY UNITS AUTHORIZED

All PCB waste management shall be confined to the authorized units listed below.

1. The "Train 1" incinerator consisting of a shredder and shredded material repackaging area, bulk feed tank, bulk feed system, rotary kiln, afterburner, pollution control system and related bulk liquid tanks.

2. The bulk feed tanks numbered as:

    a. Tanks T-60, T-31, T-32, T-61, T-1, T-2, T-18, T-19, T-70, T-71, T-75 and V-109 with a total maximum capacity of 529,500 gallons.

    b. Tanks T-29, T-30 and the Tank Truck Holding Area with a total maximum capacity of 55,000 gallons.

3. The PCB storage areas consisting of the Warehouse, DSP-4, 5 and 7 with a total maximum storage capacity of 188,324 gallons.

4. The Transformer Building with a total maximum capacity of 112,393 gallons.

5. The ash bin storage area with a total maximum capacity of 6150 cubic yards.

6. Bulk Feed Tank T-201 with a total maximum capacity of 7,198 gallons.

C. AUTHORIZATION TO OPERATE ADDITIONAL UNITS

1. For a new disposal or storage unit not identified in II. B. above, the Facility shall not commence storage or disposal in the new unit until it has notified the EPA Region 6 PCB Coordinator and received a written approval from the EPA authorizing the new unit for PCB storage or disposal.

2. For expansion in capacity or major modification of an existing unit, the Facility shall not store or dispose of PCBs in the modified unit until it has notified the EPA Region 6 PCB Coordinator and received a written approval from the EPA for the expansion or modification. A major modification shall be defined as a change in the configuration or location of those authorized units listed in II. B. above.

III. FACILITY OPERATION

A. GENERAL OPERATING REQUIREMENTS:

1. The Facility shall at all times during PCB storage and disposal, properly operate and maintain all facilities and systems of treatment and control (and related appurtenances) which are installed or used to achieve compliance with the conditions of this approval. Proper operation and maintenance include effective performance, adequate funding, adequate operator staffing and training and adequate laboratory and process controls, including appropriate quality assurance procedures.

2. All transport vehicles owned by the Facility and used for the transport of PCBs on public highways shall be properly maintained and inspected as required by the applicable Department of Transportation regulations.

B. PCB INCINERATOR OPERATING REQUIREMENTS

1. At all times during PCB disposal, the incinerator shall meet the incineration operating requirements specified in 40 CFR § 761.70 (a) and (b) except for the minimum temperature requirement under 40 CFR §761.70(a)(1)(i), which is replaced as required by condition B.6.a. of this section after demonstration of equivalent destruction efficiency of at least 99.9999 percent in the TSCA PCB Trial Burn report dated May 2006.

2 The Facility shall analyze each batch feed of PCBs from each liquid/sludge feed tank, or liquid sludge container of PCBs, for PCB concentration prior to the waste being introduced into the incinerator. The results of the analysis shall be recorded and kept on file. All PCB analyses shall be completed in accordance with the Facility Waste Analysis Plan (WAP) for PCBs.

3. The Facility shall take a representative's sample, consisting of at least three aliquots, out of ten percent of the drums in each shipment of PCB solids (other than PCB Capacitors) to be fed to the incinerator system. A "shipment" is defined as one or more drums of PCB material that have come from the same source of contamination as identified by the generator's waste profile. For shipments of less than ten drums, at least one drum shall be sampled to verify the generator's waste profile. If more than one drum is sampled, the representative samples from each drum may be composited into one sample. The sample shall be analyzed for PCBs, and the results compared with the generator's waste profile. The results of the analysis shall be kept on file. The weight of each drum shall also be recorded and the results kept on file. For drums containing only shredded PCB Capacitors, the PCB concentration shall be recorded as 35 percent of the total weight of the contents of each drum.

4. The PCB feed rate of liquids and/or solids shall not exceed 3,057 pounds per hour (on an hourly rolling average) as measured on a weight basis.

5. The percent carbon dioxide (CO_2) in the stack gas shall be measured using an EPA-accepted method at least once per 24-hour day of PCB disposal. The minimum time between samples shall be 18 hours.

6. The flow of PCBs to the incinerator shall stop automatically under any of the following conditions:

    a. the temperature drops below 1008^{o}C (or, 1846^{o}F) as measured by the thermocouple located in the "hot duct" leading to the wet scrubber;

    b. the carbon monoxide (CO) in parts per million (ppm), dry basis, corrected to seven (7) percent oxygen, exceeds ten (10) times the percent CO_2 concentration in the exit duct gases or 100 parts per million maximum (calibrate monitors at least once each 24-hour day during PCB incineration by certified zero and span gas and there shall be a minimum of 18 hours between routine calibration);

    c. the excess oxygen (O_2) drops below three (3) percent (the monitor shall be calibrated once each 24-hour day by certified zero and span gas and there shall be a minimum of 18 hours between routine calibrations);

    d. there is a loss of primary combustion air to the burner; or,

    e. there is a loss of water to the quench.

7. The Facility shall operate the incinerator under negative pressure. Pressure in the combustion zone shall be monitored and recorded on a continuous basis. The PCB waste feed shall cut off automatically if the pressure remains positive for 10 consecutive seconds. PCBs shall not be re-introduced into the incinerator until the unit returns to negative pressure.

8. The Facility shall cease incineration of PCBs upon notification by the EPA or the State of an Ozone Alert for Houston, Texas, until an "all clear" is issued in accordance with the Texas State Implementation Plan (SIP).

9. Kiln ash from PCB incineration which contains less than 2.0 parts per million (ppm) PCBs shall be placed in a hazardous waste landfill approved by the appropriate agency to dispose of such wastes under Resource Conservation and Recovery Act (RCRA) regulations. Kiln ash containing 2.0 ppm PCBs or greater shall be reintroduced into the kiln until the PCB concentration is less than 2.0 ppm or the ash sent to an approved PCB landfill. The Facility shall sample and analyze 100 percent of the kiln ash containers receiving PCB ash each day PCB ash is generated. A sample shall consist of at least three (3) aliquots of ash composited into one sample for each ash container. Emissions from hot ash collection hoppers shall be channeled back into the incinerator combustion system.

10. While incinerating PCB wastes, the Facility shall comply with the total particulate emissions limits, chlorine feed rate limits and metals limits, including mercury, required by the effective RCRA permit and HWC MACT EEE.

11. The Facility shall have in place, before PCBs are fed to the incinerator, an operational system to monitor the BTU value of incinerator liquid waste feed containing PCBs. Liquid PCB wastes shall be fed to the incinerator only from feed lines that are controlled by the PCB automatic trip valves for temperature, excess oxygen and CO. Bulk feed tanks shall be designed to ensure a uniform commingling of container material such that 4-hour feed stream sampling for each feed tank shall not vary in BTU or chlorine value (by weight) greater than ten (10) percent.

12. The Facility shall measure and record combustion gas flow rate. Sufficient data shall be collected and recorded whenever PCBs are being disposed that demonstrate the combustion gases were retained in the secondary combustion zone for 2.0 seconds or greater during PCB incineration at a temperature greater than 1008°C (1846°F). The method used for calculating dwell time shall be recorded and kept on file.

13. Ash shall be removed from the rotary kiln using the deslager on a continuous basis.

14. The Facility shall comply with its PCB Operators Manual for onsite handling of PCBs. The manual shall be updated as procedures are changed, and a copy of the revised manual shall be submitted to the EPA Region 6 PCB Coordinator, within ten (10) work days.

15. The continuous carbon monoxide and excess oxygen monitors shall meet the certification requirements of 40 CFR Part 60, Appendix B. The temperature thermocouple shall have an accuracy range within three (3) percent.

16. The Facility shall implement the conditions of its "Housekeeping Plan" for the PCB shredder loading area and the shredded material repackaging area.

C. PCB STORAGE AREA OPERATING REQUIREMENTS

1. The Facility shall store PCBs and PCB Items only in the areas designated in condition II. B.

2. Adequate aisle space shall be maintained to allow for unobstructed access to all PCB items stored on-site by personnel, fire protection equipment and decontamination equipment.

3. The Facility shall not exceed the maximum storage inventory of PCBs indicated in condition II. B. Requests for increasing the maximum inventory shall be submitted and approved by the EPA Region 6 in writing prior to storage of additional PCB inventory.

4. The Facility shall verify the PCB content of PCB Items before accepting the material for storage. Sampling and analytical methods shall conform to the EPA regulations and guidance. Results of all analyses shall be recorded and kept on file.

5. The Facility shall maintain a training manual for training its new employees on the proper management of PCB materials. New employees shall be trained, as specified in the manual, prior to entering the storage areas. The manual shall address the regulatory requirements of 40 CFR § 761.65. Also included in the training plan shall be the specifics of the Safety Plan, Contingency Plan and Emergency Procedure, as well as, the Spill Prevention Control and Countermeasure (SPCC) Plan. A signature sheet shall be included to verify personnel participation.

D. CLOSURE AND FINANCIAL ASSURANCE REQUIREMENTS

1. The Facility shall comply with the closure regulations pursuant to 40 CFR § 761.65 (d)-(g), except for any requirements that are specifically waived in this approval.

2. The Closure Cost Estimate shall be updated to adjust for inflation annually, or within 30 days after EPA approval of any modification to the Closure Plan that increases the expected costs of closure.

3. The Facility shall amend the Closure Plan and current Closure Cost Estimate whenever changes in operating plans or Facility design affect the Closure Plan or whenever there is a change in the expected year of closure. In the event Facility officials become aware of

information that tends to show that the estimated costs associated with performing closure of the Facility may exceed the current Closure Cost Estimate approved by the EPA, the Closure Plan shall be modified and submitted to the EPA for approval.

4. Financial assurance, at least equivalent to that specified in 40 CFR § 761.65(g) and 40 CFR Part 264, Subpart H, shall be maintained by the Facility to provide funding for proper closure. The closure plan shall also provide for the decontamination and/or disposal of PCB-contaminated equipment and materials at an EPA-approved PCB disposal facility.

5. Any payment required to establish or continue the financial assurance mechanism used to satisfy the financial requirements shall be made when due. Written verification of the payments shall be furnished to the EPA Region 6 PCB Coordinator within 30 days of the payment due dates. The Facility shall also submit such documentation, as the EPA may require, to determine whether the financial assurance requirements for this approval have been met.

6. The Facility shall submit documentation of continued financial assurance annually to the EPA Region 6 PCB Coordinator.

7. The Facility shall notify the EPA Region 6 PCB Coordinator at least 60 days prior to the date closure is expected to begin.

8. Upon termination of PCB storage activities, the Facility shall proceed according to the provisions of the approved Closure Plan. The word "termination" means cessation of PCB storage operations required by expiration, termination or revocation of this approval.

IV. STANDARD APPROVAL CONDITIONS

A. SEVERABILITY

The conditions of this authorization are severable, and if any provision of this authorization, or any application of any provision is held invalid, the remainder of this authorization shall not be affected thereby.

B. DUTY TO COMPLY

During PCB incineration, the Facility shall comply with all Federal, State, and local regulations and agreements, including:

1. Permits for the incineration of solid and hazardous wastes during PCB incineration;

2. The applicable RCRA hazardous waste regulations; and,

3. The applicable HWC MACT EEE requirements.

C. PERSONNEL SAFETY

The Facility personnel safety requirements and procedures for PCB handling, storage, transport and disposal shall comply with Occupational Safety and Health Administration requirements.

D. DUTY TO MITIGATE

The Facility shall correct any adverse impact on the environment resulting from noncompliance with this approval.

E. DUTY TO PROVIDE INFORMATION

The Facility shall provide to the Regional Administrator (to the attention of the Director, Land, Chemical and Redevelopment Division) within a reasonable time, any relevant information which may be requested to determine whether cause exists for modifying, revoking, reissuing, or terminating this approval or to determine compliance with this approval. The Facility shall also provide to the EPA, upon request, copies of records required to be kept under the TSCA PCB regulations.

F. INSPECTION AND ENTRY

The Facility shall allow the Regional Administrator, or an authorized representative, upon presentation of credentials and other documents as may be required by law to:

1. Enter the Facility where PCBs and PCB Items are being handled, stored, treated or disposed;

2. Have access to and copy, at reasonable times, any records that shall be kept under TSCA PCB regulations;

3. Inspect any units, equipment (including monitoring and control equipment), practices or operations required under this approval or the TSCA PCB regulations; and,

4. Sample or monitor for the purposes of assuring that the Facility is operating in compliance with the conditions of this approval and the TSCA PCB regulations.

G. MONITORING AND RECORDS

1. The Facility shall comply with all applicable monitoring and record keeping requirements, as specified in 40 CFR Part 761 for incinerators and commercial storers. All PCB records, documents and reports shall be maintained at the Facility and shall be made available for inspection by authorized EPA representatives. All records required by 40 CFR Part 761 and

this approval shall be written in ink, typed or put into electronic format. Any modification or correction of the records shall be initialed and dated by the supervisor in charge.

2. The Facility shall verify the PCB content of the wastes received for storage and disposal. Sampling and analytical methods shall conform to EPA accepted practices, procedures, and methods. Results of all analyses shall be recorded and kept on file.

H. NOTICE OF TRANSFER OF OWNERSHIP

The Facility shall notify the Regional Administrator (to the attention of the Director, Land, Chemical and Redevelopment Division) at least thirty (30) days before transferring ownership of the Facility. The Facility shall also submit to the Regional Administrator, at least thirty (30) days before such transfer, a notarized affidavit signed by the transferee stating that the transferee shall abide by all provisions of this PCB disposal and storage approval. After receiving such notification and affidavit and other such documents as the EPA may require, the EPA may issue an amended Approval substituting the transferee's name, or the EPA may require the transferee to apply for a new PCB commercial storage approval. The transferee shall not operate under the Approval until the Regional Administrator issues an Approval in the transferee's name. The transferor shall maintain financial assurance for the Facility until the transferee's application has been approved and the transferee has demonstrated that it has established financial assurance for closure pursuant to 40 CFR § 761.65(g).

I. NON-COMPLIANCE

If at any time there is a departure from the conditions of this approval, the Facility shall notify the EPA Region 6 PCB Coordinator by telephone within 24 hours and shall submit a written report within five (5) working days.

J. OTHER INFORMATION

When Facility officials become aware that it has failed to submit any relevant facts in the PCB disposal or storage application or submitted incorrect information in any report to the EPA, these facts and information shall be promptly submitted to the EPA Region 6 PCB Coordinator.

K. EMERGENCY COORDINATOR AND EQUIPMENT

The Facility shall maintain an adequately trained emergency coordinator to direct emergency procedures which could result from fires, explosions or releases of PCB containing wastes at the Facility. The Facility shall maintain a list identifying the emergency coordinator(s) and their phone numbers on-site at all times. The Facility shall maintain in good working order any equipment required to deal with these emergencies.

L. SPILLS

Any PCB spills occurring at the Facility or from any Facility-owned PCB transport vehicle, shall be cleaned up according to the PCB Spill Cleanup Policy, 40 CFR Part 761, Subpart G.

M. ANNUAL RETESTING

1. The EPA may require annual testing or monitoring of the incinerator for PCBs, hydrochloric acid (HCl), metals, residual chlorinated organics, particulates and up to 3 specific organics identified by the EPA. Written reports discussing the results of the testing or monitoring shall be submitted to the EPA Region 6 PCB Coordinator within 120 days of this test.

2. The results of any incinerator stack emissions risk assessment on the Facility conducted by the EPA or by the Texas Commission on Environmental Quality (TCEQ) that includes PCBs, shall be considered information for the evaluation of the impact of the Facility upon human health and the environment from PCB disposal. This information may be used to modify, suspend or terminate this approval upon proper notice to the Facility.

N. DUTY TO NOTIFY

The Facility shall notify the EPA Region 6 PCB Coordinator, in writing, at least thirty (30) days prior to any planned physical or operational changes to the incinerator which could alter the emissions of particulates, hydrochloric acid, metals, PCBs or chlorinated organics. Any changes to the approved units which may result in increased emissions or changes in types of emissions, may require additional testing, monitoring or a modification of the approval.

O. CERTIFICATES OF DISPOSAL

The Facility shall maintain copies of the Certificate of Disposal for all PCB Items which are disposed at the Facility. The Certificate of Disposal shall be provided to the generator within thirty (30) days of disposal of the generator's PCB item(s).

P. EFFECTIVE DATE

This approval becomes effective on the date of this approval letter and shall expire at midnight, the same day and month, five years later. Please apply for re-authorization at least six months before the expiration date. If the Facility submits its re-authorization request before the expiration date of this approval, then this approval shall be administratively continued until a final determination is made on your request.

END OF APPROVAL CONDITIONS