James Sales Copy

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 6
1445 ROSS AVENUE, SUITE 1200
DALLAS TX 75202-2733

SEP 25 2018

Mr. Don Johnson
Manager, Environmental
Eagle US 2 LLC
P.O. Box 1000
Lake Charles, Louisiana 70602-1000

RE: United States Environmental Protection Agency (EPA) Region 6 Polychlorinated Biphenyl (PCB) Modification Approval to Eagle US 2 LLC (Eagle) for an Operational Procedure to Allow PCB Approved Waste Storage Tanks No. 1 and No. 2 to Dispose of Non-PCB Regulated On-Site Generated Liquid Wastes Under the Non-PCB Incinerator Mode in Incinerators 1 & 2 and the No. 3 Halogen Acid Furnace (HAF) at its Facility Located at Westlake, LA; EPA ID LAD008086506.

Dear Mr. Johnson:

We are in receipt of a letter dated August 2, 2018, from Mr. Nate Johnson, Plant B Manager, at your facility requesting a modification to the current PCB disposal approval, which was issued by EPA, Region 6, on July 14, 2017. Eagle is requesting approval of a procedure to allow the disposal of non-PCB regulated liquid wastes under 40 CFR EEE (HWC MACT) incineration disposal conditions after disposing of episodic PCB regulated wastes under the TSCA PCB incinerator conditions in incinerator direct feed Waste Storage Tanks (WST) No. 1 and No. 2., which are currently approved under conditions II.B.3.a. and b. of this approval. After review of the information provided in the letter of August 2, 2018, your request is hereby approved pursuant to 40 CFR § 761.70(d)(4)(ii). The procedure has been added to this modification approval as Conditions of Approval III.A.5.

Violation of 40 CFR Part 761, or any of the enclosed Conditions of Approval, may subject Eagle to enforcement action under the Toxic Substances Control Act (TSCA) and/or other applicable laws and regulations. Such action could result in a termination, revocation, or modification of the approval. Furthermore, receipt of evidence that: (1) a mis-representation of any material fact has been made in any submittal, (2) all relevant facts have not been disclosed; or (3) the nature of PCB disposal has substantially changed from the submitted application after the effective date of this approval may constitute sufficient cause for termination, revocation, or modification of this approval.

This modification approval becomes effective on the date of this letter, and shall expire at midnight, July 14, 2022. Please request re-authorization approval six months before the expiration date. If your re-authorization request is received before the expiration date, this approval shall be administratively continued until a final determination is made on the re-authorization request.

If you have questions or concerns, please contact Mr. James Sales, of my staff at (214) 665-6796.

Sincerely,

Wren Stenger
Director
Multimedia Division

Enclosure

cc: Chuck Carr Brown, LDEQ

CONDITIONS OF APPROVAL
FOR PCB INCINERATION
AT
EAGLE US 2 LLC - WESTLAKE, LOUISIANA
INCINERATORS 1 & 2 and No. 3 HALOGEN ACID FURNACE (HAF)

I. LOCATION OF FACILITY

Eagle US 2 LLC, hereinafter referred to as "the Facility", is located at 1300 PPG Drive, Westlake, Louisiana.

II. PCB WASTES, DISPOSAL UNITS, AND STORAGE AREAS AUTHORIZED

A. PCB WASTES AUTHORIZED

1. The Facility is authorized to incinerate liquid polychlorinated biphenyl (PCB) contaminated wastes from all onsite generated sources.

2. The Facility is prohibited from disposing of regulated PCBs received from off-site sources.

B. FACILITY UNITS AUTHORIZED

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

1. Incinerators 1 & 2 for the disposal of liquid PCB wastes.

2. The No. 3 Halogen Acid Furnace (HAF).

3. The following waste storage tanks are authorized for PCB storage:

   a. Tank Number 60-1187 (30,000 gallons), also called "No. 1 Waste Storage Tank";

   b. Tank Number 60-1188 (30,000 gallons), also called "No. 2 Waste Storage Tank";

   c. Tank Number 60-1867 (20,000 gallons), also called "No. 3 Waste Storage Tank"; and

   d. Tank Number 60-2735 (26,400 gallons), also called "No. 4 Waste Storage Tank".

4. The RCRA 2 Container Storage Area.

C. AUTHORIZATION OF NEW DISPOSAL UNITS OR STORAGE AREAS

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 received written approval from the United States Environmental Protection Agency (EPA) Region 6 authorizing the new unit for PCB storage or disposal.

2. For expansion in capacity or modification of an approved unit listed under II. B., the Facility may not store or dispose of PCBs in the modified unit until it has received written approval from EPA Region 6 for the expansion or modification. A modification is defined as a change in the configuration or location of a unit, or a change that increases the potential emissions from the unit, such as a re-design of the unit or a change in the air pollution control equipment.

III. OPERATING CONDITIONS

A. GENERAL OPERATING CONDITIONS

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 and used to achieve compliance with the conditions of this approval. Proper operation and maintenance includes 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 used for the transport of PCBs shall be properly maintained and inspected as required by applicable Department of Transportation regulations pursuant to 40 CFR Part 49.

3. The Facility shall have PCB standard operating procedures (SOPs) for employees engaged in the handling and disposal of PCBs in this unit. The SOPs shall be updated as procedures are changed, and copies of the current SOPs shall be maintained at the Facility and made available to EPA upon request. Training shall be provided to all employees engaged in the handling and disposal of PCBs before employees handle or dispose of PCBs at the Facility. The training shall include a discussion of PCB regulatory requirements, including the requirements of the PCB Spill Cleanup Policy pursuant to 40 CFR §§ 761.120-135. The training shall include the specifics of the Safety Plan, Contingency Plan, and the Emergency Procedures, as

well as, the SPCC plan. A signature sheet shall be included as part of the training to verify personnel participation. Employees shall be refresher-trained once a year. All new employees shall be trained before handling PCBs.

4. Personnel shall follow Facility procedures and rules regarding wearing and the proper disposition of personal protective equipment while handling PCB Items. Personnel shall follow Facility procedures and rules regarding ingress and egress into areas where PCBs and PCB Items are being handled and disposed.

5. For WST No. 1 and WST No. 2, the Facility shall comply with the following procedure for switching between TSCA PCB regulated and non-TSCA PCB regulated wastes to be fed to the approved incinerators for disposal:

   a. PCB regulated wastes shall be disposed in accordance with this approval until the wastes are less than 20% of the total tank volume;

   b. Non-TSCA PCB regulated wastes shall be placed in the tank until a minimum level of 60% of the tank volume is reached. This tank volume shall also be disposed in accordance with the conditions of this approval for PCB regulated wastes down to less than 20% of the total tank volume;

   c. If the plant production waste continues to be introduced into WST No. 1 and/or WST No. 2 during disposal under 5.b. of this part above, the total throughput shall be equivalent to the above tank volume of waste;

   d. After the required waste volume has been incinerated, the Facility shall take a representative sample and analyze for total PCBs. A representative sample shall consist of four aliquots taken at least 30 minutes apart from the tank sampling valve, and then composited into one sample for analysis. If the results are less than 50 ppm, the waste shall be resampled in the same manner after a minimum of three hours to confirm the results of the first composite sample. If the sample results confirm the PCB concentration is less than 50 ppm, non-TSCA PCB regulated wastes may be disposed in accordance with the Facility's Subpart EEE (HWC MACT) permit;

   e. If the PCB concentration in the analyzed composite sample is 50 ppm or greater total PCBs, steps 5.b. and 5.c. of this part shall be repeated and composite samples collected and analyzed until two consecutive composite samples taken at least three hours apart have a total PCB concentration less than 50 ppm. After the Facility confirms that the total PCB concentration is less than 50 ppm, non-TSCA PCB regulated wastes may be disposed in accordance with the Facility's Subpart EEE (HWC MACT) permit.

B. INCINERATORS 1 & 2 OPERATING CONDITIONS

1. At all times during PCB disposal, the incinerator shall meet the requirements specified in 40 CFR § 761.70(a), except that the dwell time requirement of 40 CFR § 761.70(a)(1) is waived. This waiver is being granted after review of the Draft Final Risk Evaluation Report for PPG Industries, Inc., Lake Charles, Calcasieu Parish, Louisiana dated December 6, 2011. The report evaluated emissions from the Comprehensive Performance Test Report for the No. 3 Halogen Acid Furnace dated September 2007, and the Consolidated Test Report for Incinerators 1 and 2, Revision 2 dated November 2006, while operating under normal operating conditions and found no unreasonable risk to human health or the environment from PCBs. The minimum temperature and excess oxygen in the secondary combustion chamber shall comply with conditions III.B.8 c. and d. of this approval.

2. The Facility shall sample and analyze weekly all PCB contaminated waste feed streams and results kept on file.

3. The scrubber effluents shall be sampled and analyzed once per year for total PCB concentration.

4. The PCB feed rate shall not exceed 324 pounds per hour in any one-hour period in a maximum waste feed rate of 5,340 lbs./hr., as measured by the hourly rolling average (HRA). The flow rate shall be measured by a continuous flow measuring and recording device, and the results kept on file.

5. The feed rate of total chlorine during PCB disposal shall not exceed the limits required by the effective LDEQ Title V operating permit for this unit. Incinerators (Nos. I & 2) shall maintain the operating parameter limits pursuant to 40 CFR Part 63, Subpart EEE, as it applies to hydrogen chloride (HCl) removal.

6. The particulate emissions during PCB disposal shall not exceed the limits required by the effective LDEQ Title V permit for this unit.

7. The Facility shall operate the incinerator in a manner that prevents visible fugitive emissions as defined by Method 22 of 40 CFR Part 60, Appendix A.

8. Waste feed containing PCBs shall automatically stop if one or more of the following conditions occur:

   a. failure of the continuous emission monitors for oxygen or carbon monoxide;

b. failure of a PCB waste feed rate measuring or recording device;

c. combustion temperature falls below 2383-degree Fahrenheit (F), HRA;

d. excess oxygen in the secondary combustion chamber falls below 3.0 percent (%) for four continuous minutes; or

e. combustion efficiency falls below 99.90% for four continuous minutes.

9. The Facility shall maintain the pH of the scrubber water as required by the effective LDEQ Title V permit.

10. The Facility shall limit the feed rate of metals in its PCB waste feed streams as required by the effective LDEQ Title V permit.

11. Continuous emissions monitors for carbon monoxide and excess oxygen shall meet the performance specifications of 40 CFR Part 60, Appendix B. Temperature thermocouples shall have a minimum accuracy range within 3.0%.

C. No. 3 HALOGEN ACID FURNACE (HAF) OPERATING CONDITIONS

1. At all times during PCB disposal, the incinerator shall meet the requirements specified in 40 CFR § 761.70(a), except that the minimum temperature shall be 2159-degree F HRA.

2. The Facility shall sample and analyze weekly all PCB contaminated waste feed streams and results kept on file.

3. The scrubber effluents shall be sampled and analyzed once per year for total PCB concentration.

4. The PCB feed rate shall not exceed 326 pounds per hour (lbs/hr) in any one-hour period in a maximum total waste feed rate of 8,972 lbs/hr as measured by the HRA. The flow rate shall be measured by a continuous flow measuring and recording device, and the results kept on file.

5. The feed rate of total chlorine during PCB disposal shall not exceed the limits required by the effective LDEQ Title V operating permit for this unit. The No. 3 HAF shall maintain the operating parameter limits pursuant to 40 CFR Part 63, Subpart EEE, as it applies to hydrogen chloride (HCl) removal.

6. The particulate emissions during PCB disposal shall not exceed the limits required by the effective LDEQ Title V permit for this unit.

7. The Facility shall operate the incinerator in a manner that prevents visible fugitive emissions as defined by Method 22 of 40 CFR Part 60, Appendix A.

8. Waste feed containing PCBs shall automatically stop, unless otherwise specified, or when any one or more of the following conditions occur:

   a. failure of the continuous emission monitors for oxygen or carbon monoxide monitors or stack gas monitoring system to operate properly;

   b. failure of a PCB waste feed rate measuring or recording device;

   c. combustion temperature falls below 2159 degrees F, HRA;

   d. when the recorded excess oxygen in the secondary combustion chamber falls below 3.0% for four continuous minutes; and

   e. when the combustion efficiency falls below 99.90% for four continuous minutes.

9. The Facility shall maintain the pH of the scrubber water effluent, as required by the effective LDEQ RCRA permit.

10. Continuous emissions monitors for carbon monoxide and excess oxygen shall meet the performance specifications of 40 CFR Part 60, Appendix B. Temperature thermocouples shall have a minimum accuracy range within 3.0%.

D. PCB STORAGE AREA OPERATING CONDITIONS

1. Except for storage in containers for less than 90 days in accordance with 40 CFR Part 761, the Facility shall store PCBs only in the areas authorized for PCB storage.

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

4. The units authorized by this approval 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 in writing, prior to storage of additional PCB inventory.

5. All PCB tank storage units shall comply with 40 CFR § 761.65 (c)(7).

6. Decontamination of PCB containers or movable equipment shall comply with 40 CFR § 761.79.

7. All PCB articles, equipment and containers shall be properly marked, as required by 40 CFR §§ 761.40 and 45.

8. All other PCB storage shall comply with 40 CFR § 761.65(b).

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. DEPARTURE FROM APPROVAL CONDITIONS

If at any time the Facility becomes aware of any violation of the conditions of this Approval, the Facility shall notify the EPA Region 6 RCRA Permits Section by telephone within 24 hours, and shall submit a written report within five (5) days.

C. FAILURE TO SUBMIT INFORMATION

When Facility officials become aware that it has failed to submit any relevant facts in the PCB storage and/or disposal application, or submitted incorrect information in any report to EPA, the Facility shall submit such facts or information to the EPA Region 6 RCRA Permits Section within 30 days.

D. PERMITS

During PCB disposal, treatment, and storage, the Facility shall comply with all Federal, State, and local regulations and permits.

E. DUTY TO PROTECT THE ENVIRONMENT

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

F. WORKER PROTECTION

The Facility shall comply with the health and safety practices described in the application. Personnel safety requirements and procedures for PCB handling, storage, and transport shall comply with Occupational Safety and Health Administration (OSHA) regulations, applicable to this Facility.

G. MAINTENANCE

1. The Facility shall have in place a routine inspection and maintenance program for all equipment and/or systems of treatment and control (and related appurtenances), which are installed or used to achieve compliance with the conditions of this approval.

2. All vehicles owned by the Facility used for the transport of PCBs shall meet DOT regulations during transport of PCBs, and be properly marked in accordance with 40 CFR § 761.40. Transporters of PCB waste shall notify EPA of their PCB waste activities by filing EPA Form 7710-53, "Notification of PCB Activity", prior to engaging in PCB waste handling activities.

H. EMERGENCIES AND CONTINGENCY PLANS

1. The Facility shall follow the SPCC and Contingency Plan whenever there is a release of PCBs. A copy of these plans, along with a copy of this approval, shall be kept on-site in an area easily accessible to employees who handle PCBs. The SPCC and Contingency Plan shall be amended and a copy sent to EPA immediately after any of the following events:

   a. the plan is found inadequate during an emergency,

   b. the list of Emergency Services and Security (ES&A) Department personnel changes, or

   c. modifications are made to the SPCC plan.

2. PCB spills occurring at the Facility shall be cleaned up immediately to levels required by the PCB Spill Cleanup Policy. The Facility shall prepare reports monthly of any spill(s) occurring within the previous 30 day period, and what action was taken to remediate the spill(s). Copies of the report shall be kept onsite and available for EPA review upon request.

3. The release of PCBs into the environment is cause for the Facility to immediately initiate clean-up. The Facility shall also initiate an investigation into the cause and potential impact of the release and provide a detailed written report to the EPA Region 6 RCRA Permits Section within 30 days of the discovery of the release.

4. Any PCB spills or releases 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. The EPA may order cessation of further PCB storage and/or treatment at the Facility if spills or releases are not cleaned up to acceptable levels as defined by EPA.

5. The Facility shall follow its effective RCRA Contingency Plans during emergencies.

I. RECORD KEEPING AND REPORTING

1. All PCB records, documents, and reports shall be maintained at the Facility, and shall be made available for inspection by authorized EPA representatives. Any modification or correction of the records shall be initialed and dated by the supervisor in charge.

2. Records relating to PCB sampling and analysis shall be retained by the Facility for five (5) years. These records shall include the following information:

   a. date of each sample collected,

   b. volume of each sample collected,

   c. the name of the person who collected the sample, and

   d. the name of the company that analyzed the sample, along with the name of analyst, the date the sample was analyzed, the method used, and the reported result.

3. For Facilities that analyze PCB samples at an onsite laboratory, sample volume records are not required if the remainder of the sample is returned to the onsite stored PCB Item from which the sample was taken.

4. Following each spill cleanup action, the Facility shall develop and maintain records of the cleanup in accordance with 40 CFR §§ 761.120-135, the PCB Spill Cleanup Policy. These records shall include:

   a. identification of the source of the spill,

   b. estimated or actual date and time of the spill occurrence,

   c. date and time cleanup was completed,

   d. description of the spill location,

   e. pre-cleanup sampling data used to establish spill boundaries, if required, because of insufficient visible traces, and a description of the sampling methodology used,

   f. amount and type of waste cleanup material generated,

   g. description of the solid surfaces cleaned and of the double wash/rinse method used, and if soil is the contaminated media, the depth of soil excavated and amount of soil removed for disposal,

   h. post-cleanup verification sampling information such as a description of the sampling methodology used, the number of samples analyzed, the analytical data, and

   i. a certification by the appropriate Facility officials stating that the cleanup levels required by EPA were achieved, and that the record is true to the best of his/her knowledge.

5. The Facility shall maintain copies of certificates of disposal provided by the commercial disposal facility for all PCBs and PCB Items which have been shipped off-site for disposal.

6. The Facility may utilize electronic formats to maintain any required records and reports.

J. INSPECTIONS AND ENTRY

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

1. enter the Facility where PCBs are being handled, treated, disposed, or stored,

2. have access to and copy, at reasonable times, any records that shall be kept pursuant to the Toxic Substances Control Act (TSCA) PCB regulations.

3. inspect any facilities, 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.

K. INFORMATION REQUESTS

The Facility shall submit to the RA (to the attention of the Director, Multimedia 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 submit to EPA, upon request, copies of records required to be kept pursuant to the TSCA PCB regulations.

L. TRANSFER OF OWNERSHIP

The Facility shall notify the RA (to the attention of the Director, Multimedia Division) at least ninety (90) days before transferring ownership of the Facility. The Facility shall also submit to the RA at least ninety (90) days before such transfer, a notarized affidavit signed by the transferee, stating that the transferee shall abide by all provisions of this PCB approval. After receiving such notification and affidavit, and other such documents as EPA may require, EPA may issue an amended approval substituting the transferee's name for the Facility name, or EPA may require the transferee to apply for a new PCB 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 any applicable 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).

M. EFFECTIVE DATE

This modification approval becomes effective on the date of the approval letter, and shall expire at midnight, July 14, 2022. Please apply for re-authorization at least six months before the expiration date. If your re-authorization request is received before the expiration date of this approval, this approval shall be administratively continued until a final decision is made on the re-authorization request.

END OF APPROVAL CONDITIONS