Final Approval for Commercial Disposal of Polychlorinated Biphenyls

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



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

August 8, 2024



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY REGION 10 1200 Sixth Avenue Seattle, WA 98101

FINAL APPROVAL FOR A TOXIC SUBSTANCES CONTROL ACT POLYCHLORINATED BIPHENYL (PCB) COMMERCIAL DISPOSAL FACILITY

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

The United States Environmental Protection Agency (EPA) has approved Chemical Waste Management of the Northwest's (CWMNW) Application, as owner and operator, to renew and modify its Approval to operate the Arlington Facility, a commercial polychlorinated biphenyls (PCB) storage facility and chemical waste landfill located southwest of Arlington in Gilliam County, Oregon (Figure 1). This Approval authorizes CWMNW to store for disposal, treat for disposal, and dispose of PCB waste at the Arlington Facility (hereinafter Facility or Arlington Facility).

The terms and conditions of this Approval are based on the final Application from CWMNW titled, "Final Application for Commercial Disposal of Polychlorinated Biphenyls (PCBs) under the Toxic Substances Control Act (TSCA) Chemical Waste Management of the Northwest, Inc. (CWMNW)" dated May 12, 2023, and signed by CWMNW on June 22, 2023; additional supporting information submitted by CWMNW; and other information, as discussed in the draft Statement of Basis (October 30, 2023) for this Approval. Inaccuracies or omissions found in the written information provided by CWMNW as part of its application may be grounds for the termination or modification of this Approval.

This Approval authorizes CWMNW to: (1) continue to dispose of non-liquid PCB waste in an existing landfill (L-14 Cells 1-4); (2) dispose of non-liquid PCB waste in a landfill cell to be built (L-14 Cell 5); (3) store for treatment and disposal containerized and bulk PCB waste and PCB Items in existing and to-be-constructed waste storage areas; and (4) process and treat PCB-containing wastes prior to disposal. This Approval conditionally authorizes CWMNW to dispose of non-liquid PCB waste in landfill cells to be built (L-14 Cells 6-8) when the EPA approves a compliance schedule and construction report from CWMNW. The Approval also requires CWMNW to monitor and perform post-closure maintenance at the non-operating landfills (L-1, L-3, L-5, L-6, L-7, L-8, L-9, L-10, L-12, and L-13) that previously accepted PCB wastes.

The Approval authorizes CWMNW to store for disposal, treat for disposal, and dispose of PCB wastes at the Arlington Facility as shown in Table 1. The locations of these units are shown on Figure 2. Please note that Figure 2 also includes non-PCB units and units that are not yet constructed.

Table 1Approved PCB Units and Maximum Capacities

PCB Unit Name	Approved Activities at PCB Unit ^{a b}	Maximum Total Capacity ^e gallons (gal) or cubic yards (cy)	Location in Approval
Storage Building S-2	Temporary and long-term indoor storage Draining/flushing, repacking, bulking Transfer of PCB Liquids Treatment	1,720,000 gal	Section V
Storage Unit S-6	Temporary outdoor storage Treatment	10,200,000 gal	Section V
Storage Unit S-10	Temporary outdoor storage Treatment	8,090,000 gal	Section V
Storage Unit S-11 (located within S-2)	Temporary and long-term indoor storage Transfer of PCB liquids	2,420 gal	Section V
Storage Unit S-12	Temporary outdoor storage Treatment	18,000,000 gal	Section V
Storage Building B-5	Temporary and long-term indoor storage Draining/flushing, repacking, bulking Transfer of PCB Liquids Treatment	5,570,000 gal	Section V
Storage Building B-6 (TBC) ^c	Temporary and long-term indoor storage Draining/flushing, repacking, bulking Transfer of PCB Liquids Treatment	16,710,000 gal	Section V
Storage Building B-7 (TBC) ^c	Temporary and long-term indoor storage Draining/flushing, repacking, bulking Transfer of PCB Liquids Treatment	5,570,000 gal	Section V
Storage Building B-8 (TBC) ^c	Temporary and long-term indoor storage Draining/flushing, repacking, bulking Transfer of PCB Liquids Treatment	5,570,000 gal	Section V
OSU-1	Treatment	139 cy/28,000 gal	Section V
OSU-2	Treatment	139 cy/ 28,000 gal	Section V
OSU-3	Treatment	139 cy/ 28,000 gal	Section V
OSU-4	Treatment	220 cy/ 44,000 gal	Section V
OSU-5	Treatment	220 cy/ 44,000 gal	Section V
OSU-6	Treatment	220 cy/ 44,000 gal	Section V
SU-B8 (TBC) ^c	Treatment	13,693 cy	Section V
Landfills L-1, L-3, L- 5, L-6, L-7, L-8, L-9, L-10, L-12, and L-13	Post-closure care	Not applicable	Section VI
Landfill L-14 Cells 1-4	Landfill disposal	6 200 000	Continue VI
Landfill L-14 Cell 5 (TBC) ^c	Landfill disposal	0,500,000 cy	Section VI
Landfill L-14 Cells 6-8 (TBC) ^{c, d}	Landfill disposal	3,800,000 cy	Section VI

^a Temporary PCB storage not to exceed thirty (30) days from the date of removal from service

^b Long-term storage not to exceed one (1) year from the date it was determined to be PCB waste unless EPA approves an extension under 40 C.F.R. §§ 761.65(a)(2)-(3)

- $^{\circ}$ TBC to be constructed
- ^d Conditionally approved until the EPA approves a compliance schedule and construction report
- ^e Maximum Total Capacity specifies the total approved waste capacity for the Unit including PCB waste.

The EPA has determined, based on agency review of the Application, that the operation of this Facility, subject to the conditions in this Approval, does not pose an unreasonable risk of injury to human health or the environment. The EPA has determined that the applicant has satisfied the requirements of 40 C.F.R. Part 761. The rationale for the EPA's determination is documented in the Statement of Basis dated August 8, 2024.

CWMNW previously operated the Arlington Facility under an Approval issued by the EPA in 2006. This Approval supersedes all previous TSCA Approvals issued by the EPA to CWMNW to store, treat, and dispose of PCB waste at the Arlington Facility.

This Approval is being issued pursuant to Section 6(e)(1) of the Toxic Substances Control Act (TSCA) of 1976, 15 U.S.C. § 2605(e)(1), and 40 C.F.R. Part 761.¹

This Approval is effective immediately upon signature and will remain in effect for ten (10) years from the original date of issuance unless modified, renewed, suspended, or revoked in accordance with 40 C.F.R. Part 761 or the Approval conditions herein.

August 8, 2024 Date

Timothy B. Hamlin Director Land, Chemicals and Redevelopment Division

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

RECORD OF APPROVAL MODIFICATIONS

<u>Number</u>	Effective Date	Sections Modified	DESCRIPTION
0	October 30, 2023	All	Renewal and Modification Approval
1	August 8, 2024	III.2.d, III.2.e, III.3, IV.E.1, IV.F.5.a, IV.F.6, IV.F.7, IV.F.9, IV.H.3, V.B.1, V.B.4, V.D.5, V.E.4, V.F.1, VI.A.3, VI.D.2, VI.D.3, VI.D.7, VI.F.3.b	Updates to Address Public Comments; Formatting; Added Conditional Approval of Cells 6-8

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Attachments

Attachment 1a - Closure/ Post-Closure Plan (Application Appendix H)

Attachment 1b - PCB-Specific Closure/ Post-Closure Plan Information (Application excerpts)

Attachment 2 - PCB Operations Plan (Application Appendix A)

Attachment 3 - Contingency Plan (Application Appendix G)

Attachment 4 - Table 3-1 of the Inspection Plan (excerpt from Application Appendix F)

Attachment 5 - Landfill Design, Operations and Response Action Plan (Application Appendix L)

I. Introduction

Chemical Waste Management of the Northwest, Inc. (CWMNW) has been operating under an Approval issued by the EPA Region 10 on January 31, 2006, to store, treat, and dispose of PCB wastes. CWMNW submitted a final application titled, "Final Application for Commercial Disposal of Polychlorinated Biphenyls (PCBs) under the Toxic Substances Control Act (TSCA) Chemical Waste Management of the Northwest, Inc. (CWMNW)" (Application) dated May 12, 2023, and signed June 22, 2023. The EPA has evaluated this Application and determined that operation of this storage and disposal facility for PCB wastes, subject to the conditions in this Approval, does not pose an unreasonable risk of injury to health or the environment.

II. Facility Description

The Arlington Facility is in Gilliam County, Oregon, approximately 12 road miles south/southwest of the town of Arlington (Figure 1). The nearest two highways are the east-west Interstate 84 and north-south Highway 19. The Facility entrance is located approximately 5 miles west of the intersection of Highway 19 and Cedar Springs Lane. Direct access to the Facility is by Cedar Springs Lane, with an address of 17629 Cedar Springs Lane, Arlington, Oregon. From Cedar Springs Lane, the haul road extends up the slope to the active area of the Facility. Secondary unpaved access roads in the undeveloped portions of the Facility intersect the haul road system. A haul road that parallels Cedar Springs Lane Road also connects the Facility with the neighboring Columbia Ridge Landfill and Recycling Center.

The Facility consists of approximately 2,600 acres, of which approximately 942 acres are used for hazardous waste management-related activities. The Facility is bounded on the south by the east-west trending Alkali Canyon. The Facility extends from the bottom of Alkali Canyon (at an elevation of approximately 750 feet above mean sea level [msl]) north approximately 5,300 feet, climbing out of the canyon to the upland plateau (at a maximum elevation of approximately 1,150 feet msl). Hazardous waste storage, treatment, and disposal activities are limited to the portion of the Facility, known as "the active area," located above 950 feet msl.

The Facility was opened in 1976 and currently accepts approximately 150,000 to 250,000 tons of waste per year, with approximately 13,000 tons being PCB wastes. Wastes regulated as hazardous under Resource Conservation and Recovery Act (RCRA) or by Oregon state regulations are received for storage, treatment, or disposal. PCB wastes regulated under TSCA are accepted at the Facility for storage, treatment, or disposal under an approval from the EPA Region 10, separate from the State RCRA Permit. The Facility does not accept explosive, radioactive (as regulated by the Oregon and U.S. Departments of Energy), or infectious waste. Wastes that cannot be treated or disposed of at the Facility, or that can be reused or recycled, are temporarily stored at the Facility, and then shipped off-site for treatment, disposal, or beneficial use elsewhere.

The Facility is properly equipped to safely store, treat, or dispose of all wastes it is authorized to receive under this Approval. Safe waste management is established through: (1) the implementation of comprehensive plans; (2) the use of environmental monitoring systems; and (3) self-audit practices. The Facility also operates under a State RCRA Permit issued by Oregon

Department of Environmental Quality (ODEQ). The Facility is designed and constructed to manage solid, semi-solid, and liquid hazardous wastes. Container and bulk storage areas, containment storage buildings, surface impoundments, stabilization bins, organic recovery units, wastewater treatment plants, and landfills comprise the major RCRA waste management units at the Facility. Waste management procedures include storage, transfer, drain and flush, solar evaporation, stabilization, solidification, macro-encapsulation, micro-encapsulation, wastewater treatment, thermal desorption, oxidation treatment, and landfilling. All PCB regulated wastes accepted by the Facility are managed in accordance with the procedures and protocols set forth in this Approval.

III. Scope and Limitations of Approval

- 1. This Approval only applies to CWMNW as the Owner and Operator of the Arlington Facility.
- 2. This Approval authorizes the following activities at the Facility, consistent with all applicable conditions in this Approval:
 - a. The storage for disposal of PCB wastes at units S-2, S-6, S-10, S-11, S-12, B-5, B-6, B-7, and B-8;
 - b. Draining and flushing of PCB liquids from transformers, capacitors, electrical equipment, and other PCB Articles;
 - c. Treatment for disposal of PCB wastes at units S-2, S-6, S-10, S-12, B-5, B-6, B-7, and B-8, OSU-1 through OSU-6, and SU-B8;
 - d. Disposal of PCB wastes at units Landfill L-14 Cells 1-5; and
 - e. Disposal of PCB wastes at units Landfill L-14 Cells 6-8 once the EPA approves a compliance schedule and construction report for these units.
- 3. This Approval conditionally authorizes disposal of PCB wastes at units Landfill L-14 Cells 6-8 once the EPA receives and approves a compliance schedule and construction report for these units.
- 4. Compliance with these Approval conditions does not establish a defense to any claim that the Facility presents a risk to human health and the environment, including such a claim under the federal PCB regulations at 40 C.F.R. Part 761.
- 5. If information contained in the Application or other supporting documents differs from the conditions specified in this Approval, the conditions of this Approval shall govern.

IV. General Approval Conditions

A. Approval Compliance

- 1. CWMNW must comply with and operate the Facility in accordance with: (1) all terms and conditions of this Approval as stated herein; (2) portions of the Application referenced in this Approval; and (3) the PCB regulations at 40 C.F.R. Part 761, including any future modifications to those regulations.
- 2. Any plan and/or Application provision referenced in this Approval is fully incorporated by reference into this Approval and is fully enforceable under the Approval.
- 3. At least thirty (30) days prior to making a change to any document referenced in, or incorporated into, this approval, CWMNW must notify the EPA Region 10 in writing and initiate an Approval modification consistent with Section VII.A, Modifications, to incorporate into this Approval the most current version of the referenced or incorporated document.
- 4. Any action of a CWMNW employee, agent or contractor who is involved in the operation of the Facility will be considered an action of CWMNW for purposes of compliance with this Approval.
- 5. Failure to comply with any condition of this Approval is a prohibited act under TSCA Section 15(1), 15 U.S.C. § 2614(1).

B. General Requirements

- 1. This Approval supersedes all previous Approvals issued by the EPA that regulate PCBs at the CWMNW Arlington Facility.
- 2. Notwithstanding the terms of this Approval, CWMNW must comply with all applicable federal, state, and local laws and regulations including, but not limited to RCRA as amended (42 U.S.C. §§ 6901 et seq.) and the Occupational Safety and Health Act (OSH Act 29 U.S.C. §§ 651–678).
- 3. CWMNW must design, construct, maintain, and operate the Facility to prevent fire, explosion, or any unplanned sudden or non-sudden release of hazardous waste constituents to air, soil, ground water, or surface water that could threaten human health or the environment [40 C.F.R. § 761.65(d)(4)(iv); 40 C.F.R. § 761.75(c)(3)(ii)].
- 4. A copy of this Approval, including any Application Appendices incorporated into the Approval, must be maintained at the Facility [40 C.F.R. § 761.65(d)(4)(iv); 40 C.F.R. § 761.75(c)(3)(ii)].
- 5. Any notification, report, or other submittal of information to the EPA required under this Approval must be submitted in writing via certified mail or electronically to the following address:

Manager, RCRA Corrective Action, Permits and PCB Section Land, Chemicals, and Redevelopment Division U.S. EPA Region 10 1200 Sixth Avenue, Suite 155, MS 15-H04 Seattle, WA 98101 Direct: 206-553-0955, Main: 206-553-1200 <u>epa-seattle@epa.gov</u> A Responsible Official for CWMNW must certify any written information submitted to the EPA required under this Approval by using the certification statement found at 40 C.F.R. § 761.3.

- 6. All terms and/or conditions of this Approval are severable. If any provision of this Approval is determined to be invalid, CWMNW must comply with all remaining conditions.
- 7. CWMNW is required to comply with all relevant TSCA requirements, whether or not they are included in this Approval.
- 8. CWMNW must provide upon request any information that the EPA deems necessary to determine if cause exists for modification, suspension, revocation, or termination of this Approval. Failure to provide the above-mentioned information within five (5) working days of the request will be deemed a violation of this Approval unless the EPA determines that additional time is warranted.
- 9. CWMNW must not avoid any otherwise applicable provision of this Approval or TSCA by diluting PCBs, unless specifically allowed by the TSCA PCB regulations [40 C.F.R. § 761.1(b)(5); 40 C.F.R. § 761.20(c)(2)(iii)].
- 10. Attachment 1a, Application Appendix H, Closure/ Post-Closure Plan, dated December 1, 2022 (the "Closure/ Post-Closure Plan"), as supplemented by the additional information included in Attachment 1b, Application Section 3.36, is incorporated as a requirement of this Approval. CWMNW must ensure the Closure/ Post-Closure Plan remains consistent with current operations and maintain the Plan until closure commences. The Plan must identify the steps necessary to close each unit in a manner that eliminates the potential for post-closure release of PCBs that may present an unreasonable risk to human health and the environment. The Closure/ Post-Closure Plan must, at a minimum, meet the requirements of 40 C.F.R. §§ 761.65(e)(1)(i)-(vii) for each PCB Unit contained in this Approval. The Closure/ Post-Closure Plan must also address post-closure care of all PCB landfill cells, plus any other units that have PCB waste remaining in place after closure, and must identify the steps necessary to eliminate the potential for releases of PCBs into the environment during the post-closure care period [40 C.F.R. § 761.65(e), 40 C.F.R. § 761.65(d)(4)(iv); 40 C.F.R. § 761.75(c)(3)(ii)].
- 11. Attachment 2, Application Appendix A, PCB Operations Plan, dated May 12, 2023, is incorporated as a requirement of this Approval. CWMNW must operate and maintain the Facility consistent with the PCB Operations Plan, except to the extent the PCB Operations Plan requirements are inconsistent with the requirements in 40 C.F.R. Part 761 or conditions of this Approval, in which case the requirements in 40 C.F.R. Part 761 and this Approval apply [40 C.F.R. § 761.75(b)(8)].

C. General Waste Management

1. CWMNW must not mix PCBs and any substances that may be incompatible with PCBs. CWMNW must implement precautionary procedures for the management of ignitable, reactive, and incompatible wastes [40 C.F.R. § 761.65(d)(4)(iv); 40 C.F.R. § 761.75(b)(8)(i) and (iii); 40 C.F.R. § 761.75(c)(3)(ii)].

2. CWMNW may not dilute or otherwise change the concentration of PCB waste to meet any PCB concentration-based limit on storage, treatment, or disposal [40 C.F.R. § 761.20(c)(2)(iii)].

D. Personnel Training

- 1. CWMNW must provide initial and annual training to all Facility personnel that teaches PCB waste management, inspection, sampling, safety, and emergency response procedures relevant to the positions in which they are employed [40 C.F.R. § 761.65(d)(4)(iv); 40 C.F.R. § 761.75(c)(3)(ii)].
- CWMNW must maintain for at least three (3) years from the date the record was created, and make available to the EPA upon request, records documenting employee training which includes at a minimum [40 C.F.R. § 761.65(d)(4)(iv); 40 C.F.R. § 761.75(c)(3)(ii)]:
 - a. The job title for each position at the facility related to hazardous waste management, and the name of the employee filling each job;
 - b. A written job description for each position employed at or regularly present at CWMNW. This description must include the requisite skill, education, or other qualifications, and duties of employees assigned to each position;
 - c. A written description of the type and amount of both introductory and continuing training that will be given to each person filling a position; and
 - d. Records that document completion of required training or job experience by facility personnel.

E. Health and Safety Requirements

1. CWMNW must ensure that personnel handling PCB waste use appropriate personal protective equipment [40 C.F.R. § 761.60(b)(8); 40 C.F.R. § 761.79(e)(2)].

F. Emergency Preparedness and Spill Cleanup

- 1. CWMNW must clean up and adequately address all spills of PCBs at the Facility in accordance with 40 C.F.R. Part 761, Subpart G PCB Spill Cleanup Policy [40 C.F.R. § 761.61; 40 C.F.R. § 761.79].
- 2. CWMNW must conduct emergency response and spill prevention and cleanup activities at the Facility in accordance with Attachment 3, Application Appendix G, Contingency Plan [40 C.F.R. § 761.65(d)(4)(iv); 40 C.F.R. § 761.75(c)(3)(ii)].
- 3. CWMNW must either verbally report to the EPA or provide an email notice to the EPA of any incident involving PCBs that requires implementation of the Contingency Plan, Attachment 3, Application Appendix G. The verbal or email notification must be made/sent to the person identified in Condition IV.B.5 of this Approval as soon as possible after CWMNW becomes aware of the incident, but no later than 24 hours after the incident [40 C.F.R. § 761.65(d)(4)(iv); 40 C.F.R. § 761.75(c)(3)(ii)].

4. CWMNW must submit a written report to the EPA that provides details on any incident involving PCBs that requires implementation of the Contingency Plan, Attachment 3, Application Appendix G. The written report must be submitted via certified mail or electronically to the person identified in Condition IV.B.5 of this Approval.

The written report must be submitted to the EPA within fifteen (15) days of the incident and include, at a minimum, the following information [40 C.F.R. 761.65(d)(4)(iv); 40 C.F.R. 761.75(c)(3)(ii)]:

- a. Date, time, and type of incident (e.g., fire, explosion, chemical release);
- b. Name and quantity of material(s) involved;
- c. The extent of injuries, if any;
- d. Response actions taken;
- e. An assessment of actual or potential hazards to human health or the environment, where this is applicable;
- f. Estimated quantity and disposition of recovered material that resulted from the incident; and
- g. Steps taken to prevent reoccurrence.
- 5. CWMNW must certify in writing to the EPA compliance with the following requirements before operations are resumed in the areas affected by any incident involving PCBs that requires implementation of the Contingency Plan, Attachment 3, Application Appendix G [40 C.F.R. § 761.65(d)(4)(iv); 40 C.F.R. § 761.75(c)(3)(ii)]:
 - a. All emergency equipment used in the incident listed in the Contingency Plan, Attachment 3, Application Appendix G, is cleaned and fit for usage after the incident is addressed. CWMNW may substitute equivalent emergency equipment in the affected area while repairing, replacing, or recharging used emergency response equipment; and
 - b. Corrective measures have been implemented to prevent reoccurrence of the incident.
- 6. CWMNW must maintain a copy of Attachment 3, Application Appendix G, Contingency Plan, at the Facility [40 C.F.R. § 761.65(d)(4)(iv); 40 C.F.R. § 761.75(c)(3)(ii)].
- CWMNW must post a dated list of emergency contacts, telephone numbers, and designated emergency exits in prominent locations throughout the Facility. The list must be updated within thirty (30) days of any change in emergency contacts or telephone numbers [40 C.F.R. § 761.65(d)(4)(iv); 40 C.F.R. § 761.75(c)(3)(ii)].
- 8. CWMNW must, at a minimum, monthly test and maintain the alarm system, facility communications systems, fire extinguishing systems, spills kits, spill control equipment, and personnel and equipment decontamination equipment as recommended by the manufacturer to assure its proper operation in time of emergency. If any of the equipment specified above was manufactured by CWMNW, CWMNW must establish and follow a testing and maintenance plan for those manufactured items adequate to

ensure the efficacy of the equipment during an emergency [40 C.F.R. § 761.65(d)(4)(iv); 40 C.F.R. § 761.75(c)(3)(ii)].

- 9. Whenever PCBs are being poured, mixed, or otherwise handled, CWMNW must ensure that all personnel 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 employee [40 C.F.R. § 761.65(d)(4)(iv); 40 C.F.R. § 761.75(c)(3)(ii)].
- 10. At all times, there must be at least one employee either at the Facility or on call who has [40 C.F.R. § 761.65(d)(4)(iv); 40 C.F.R. § 761.75(c)(3)(ii)]:
 - a. The responsibility for coordinating all emergency response measures;
 - b. The authority to commit the resources needed to carry out the Attachment 3, Application Appendix G, Contingency Plan; and
 - c. Immediate access to the entire Facility and to a communication device such as a telephone, cellular phone, or hand-held two-way radio immediately available at the scene of operation capable of summoning external emergency assistance.
- 11. CWMNW must review and amend, as necessary, Attachment 3, Application Appendix G, Contingency Plan, within thirty (30) days of the following events and shall submit the revised Contingency Plan for approval to the person identified in Condition IV.B.5 of this Approval [40 C.F.R. § 761.65(d)(4)(iv); 40 C.F.R. § 761.75(c)(3)(ii)]:
 - a. Failure of the Plan in an emergency;
 - b. Changes in the Facility's design, construction, operation, maintenance, or other circumstances that materially increase the potential for fires, explosions, or releases of PCBs or hazardous constituents, or other response necessary in an emergency;
 - c. A change to the list of emergency coordinators;
 - d. A change to the list of emergency equipment;
 - e. When information available to CWMNW otherwise indicates that revision is warranted; or
 - f. When the EPA determines that a revision of this Plan is necessary and notifies CWMNW accordingly.
- 12. If at any time the EPA determines that PCB operations at the Facility authorized by this Approval are creating a situation of imminent hazard, the EPA will notify CWMNW as to the steps required to mitigate and/or prevent the hazard. Such steps must be taken by the date provided in such notice [40 C.F.R. § 761.65(d)(4)(iv); 40 C.F.R. § 761.75(c)(3)(ii)].

G. Entry and Agency Inspection

1. The EPA officials and designated representatives of the EPA, upon presentation of credentials, must be permitted access to any area of the Facility at all reasonable times

during regular business hours: (1) to determine compliance with applicable statutes, applicable regulations, and the conditions of this Approval; (2) for the purpose of inspection, sampling, or monitoring; and (3) for any other purpose allowed by law [40 C.F.R. § 761.65(d)(4)(iv); 40 C.F.R. § 761.75(c)(3)(ii)].

2. CWMNW, upon request by the EPA, must provide copies of any record maintained by the Facility pursuant to this Approval within seven (7) days of such request [40 C.F.R. § 761.65(d)(4)(iv); 40 C.F.R. § 761.75(c)(3)(ii)].

H. General Inspection Requirements

- 1. CWMNW must conduct inspections of the Facility according to the procedures and schedule contained in Attachment 4, Application Appendix F, Inspection Plan, Table 3-1 [40 C.F.R. § 761.65(d)(4)(iv); 40 C.F.R. § 761.75(c)(3)(ii)].
- 2. CWMNW must generate records documenting the equipment inspected, inspection findings, any corrective action taken, and any general maintenance conducted on Facility equipment. All such records must be maintained at the Facility and made available to the EPA upon request [40 C.F.R. § 761.65(d)(4)(iv); 40 C.F.R. § 761.75(c)(3)(ii)].
- 3. CWMNW must evaluate and address all deficiencies identified during the inspections. Any deficiency identified must be repaired, replaced, cleaned up, or otherwise corrected within 48 hours after discovery. If CWMNW anticipates that a deficiency will take longer than 48 hours to address after discovery, then CWMNW must notify the EPA and provide justification for the length of time along with an expected completion date [40 C.F.R. § 761.65(d)(4)(iv); 40 C.F.R. § 761.75(c)(3)(ii)].

I. Security

1. CWMNW must operate and maintain the security systems at the Facility to prevent the unauthorized entry of persons, livestock, or wildlife into the active areas of the Facility [40 C.F.R. § 761.65(d)(4)(iv); 40 C.F.R. § 761.75(c)(3)(ii)].

J. Closure Cost Estimate

1. CWMNW must comply with closure cost estimate requirements in 40 C.F.R. § 761.65(f).

K. Post-Closure Cost Estimate

- 1. CWMNW must maintain a detailed estimate, in current dollars, of the cost of postclosure care for the operating and closed landfills in accordance with the Closure/ Post-Closure Plan. Post-closure for each landfill unit begins after final closure is certified complete and continues for thirty (30) years after the date of closure certification for each landfill unit. The post-closure cost estimate must be in writing, be certified by the person preparing it (using the certification defined in 40 C.F.R § 761.3) and comply with the following criteria [40 C.F.R. § 761.65(d)(4)(iv); 40 C.F.R. § 761.75(c)(3)(ii)]:
 - a. The post-closure cost estimate must be based on the costs to CWMNW of hiring a third party to conduct post-closure care activities, and the third party must not be

either a corporate parent or subsidiary of the Owner or Operator, or member in joint ownership of the Facility.

- 2. CWMNW must annually adjust the post-closure cost estimate for inflation within sixty (60) days prior to October 15 of each calendar year. The adjustment may be made by recalculating the maximum costs of post-closure in current dollars, or by using an inflation factor derived from the most recent Implicit Price Deflator for Gross National Product published by the U.S. Department of Commerce in its *Survey of Current Business*. The Implicit Price Deflator for Gross National Product is included in a monthly publication titled *Economic Indicators*, which is available from the Superintendent of Documents, Government Printing Office, Washington, DC 20402. The inflation factor used in the latter method is the result of dividing the latest published annual Deflator by the Deflator for the previous year. The adjustment to the post-closure cost estimate is then made by multiplying the most recent post-closure cost estimate by the latest inflation factor [40 C.F.R. § 761.65(d)(4)(iv); 40 C.F.R. § 761.75 (c)(3)(ii)].
- 3. CWMNW must revise and resubmit to the EPA the post-closure cost estimate within thirty (30) days of any EPA approval of a modification to the Closure/ Post-Closure Plan that increases the cost of post-closure care. The revised cost estimate shall be adjusted for inflation at that time [40 C.F.R. § 761.65(d)(4)(iv); 40 C.F.R. § 761.75(c)(3)(ii)].
- 4. CWMNW must keep at the Facility during its operating life the most recent post-closure cost estimate, including any adjustments resulting from inflation or from modifications to the Closure/ Post-Closure Plan [40 C.F.R. § 761.65(d)(4)(iv); 40 C.F.R. § 761.75(c)(3)(ii)].

L. Financial Assurance for Closure and Post-Closure

- CWMNW must always maintain adequate financial assurance for each PCB Unit at the Facility. The level of financial assurance funding must always be greater than or equal to the total cost estimate for closure and post-closure care of all PCB Units [40 C.F.R. § 761.65(g); 40 C.F.R. § 761.65(d)(4)(iv); 40 C.F.R. § 761.75(c)(3)(ii)].
- 2. CWMNW must annually submit written documentation to the EPA of continued financial assurance for the PCB Units at the Facility. The documentation must include, but not be limited to, the current closure and post-closure cost estimates for the PCB Units and the level of funding for closure and post-closure. The documentation must be submitted to the person identified in Condition IV.B.5 of this Approval by January 15 of each calendar year [40 C.F.R. § 761.65(d)(4)(iv); 40 C.F.R. § 761.75(c)(3)(ii)].
- 3. A modification to a unit storing PCB waste that increases the maximum storage capacity indicated in the Approval requires that a new financial assurance mechanism be established, or an existing one be amended. When such a modification occurs, CWMNW must notify the EPA in writing no later than thirty (30) days from the completion of the modification. The new or revised financial assurance mechanism must be established and activated no later than thirty (30) days after the EPA is notified of the completion of the modification, but prior to the use of the modified portion of the Facility [40 C.F.R. § 761.65(g)(9)].
- 4. CWMNW must notify the person identified in Condition IV.B.5 of this Approval by certified mail and electronically of the commencement of a voluntary or involuntary

proceeding under Title 11 (Bankruptcy), U.S. Code, naming CWMNW or its parent company as debtor, within ten (10) days after commencement of the proceeding [40 C.F.R. § 761.65(d)(4)(iv); 40 C.F.R. § 761.75(c)(3)(ii)].

5. If at any time the EPA determines that under the terms of this Approval the existing financial assurance is inadequate, the EPA will notify CWMNW in writing. CWMNW must establish a new financial assurance mechanism or amend the existing mechanism and provide the EPA with documentation of the revised financial mechanism within sixty (60) days of the written notification unless another timeframe is specified in the notification [40 C.F.R. § 761.65(d)(4)(iv); 40 C.F.R. § 761.75(c)(3)(ii)].

M. Liability Insurance

- CWMNW must maintain liability coverage for sudden and non-sudden accidental occurrences consistent with the requirements of 40 C.F.R. § 264.147 [40 C.F.R. § 761.65(d)(4)(iv); 40 C.F.R. § 761.75(c)(3)(ii)].
- 2. CWMNW must notify the EPA in writing at least thirty (30) days prior to making any changes to the liability insurance coverage. The notification must describe the nature of the changes and rationale for making them. This term may not be construed to allow liability coverage below the limits described in Condition IV.M.1 of this Approval [40 C.F.R. § 761.65(d)(4)(iv); 40 C.F.R. § 761.75(c)(3)(ii)].
- 3. CWMNW must keep at the Facility during its operating life a copy of the current liability coverage for sudden and non-sudden accidental occurrences [40 C.F.R. § 761.65(d)(4)(iv); 40 C.F.R. § 761.75(c)(3)(ii)].

N. Recordkeeping and Reporting

- 1. CWMNW must comply with all recordkeeping and reporting requirements specified in the PCB regulations at 40 C.F.R. §§ 761.180(b), (d), and (f); 761.205(f); 761.207; 761.208; 761.209; 761.210; 761.213-219.
- All records required under this Approval must be maintained onsite either in paper form written in ink or in an electronic reporting system for the duration the Facility is operational, and for at least twenty (20) years following cessation of operations. Any modification or correction of the records must be initialed and dated by the responsible official [40 C.F.R. § 761.65(d)(4)(iv); 40 C.F.R. § 761.75(c)(3)(ii); 40 C.F.R. §§ 761.180(b) and (d)].
- 3. At the completion of any cleanup required by the Approval, CWMNW must develop and maintain records of the cleanup including at a minimum [40 C.F.R. § 761.65(d)(4)(iv); 40 C.F.R. § 761.75(c)(3)(ii)]:
 - a. Identification of the source of the contamination;
 - b. Date and time contamination was discovered;
 - c. Date and time cleanup was completed;
 - d. A brief description of contaminated area;

- e. Pre-cleanup and post-cleanup sampling data used to define boundaries of contamination and a brief description of the sampling methodology used to establish contaminated boundaries;
- f. Amount of waste cleanup material generated;
- g. Steps taken to prevent reoccurrence of the incident;
- h. Date of notification and report to the EPA; and
- i. A certification statement signed by CWMNW personnel stating that the decontamination levels referenced in Condition IV.F.1 have been achieved and that the information contained in the record is true to the best of his/her knowledge.
- 4. CWMNW must notify the EPA in writing if any unusual occurrences should happen that are not normal to the operation of the Facility as hereby authorized, such as accidents, spills, leaks, uncontrolled discharges, earthquake damage, excessive rain episodes (e.g., rainfall in excess of a 24-hour, 25-year storm event), fires and/or explosions. The written notification must be submitted to the EPA within three (3) calendar days of the incident and include a description of what occurred and CWMNW's response. The notification must be submitted via certified mail or electronically to the person identified in Condition IV.B.5 of this Approval [40 C.F.R. § 761.65(d)(4)(iv); 40 C.F.R. § 761.75(c)(3)(ii)].
- 5. CWMNW must notify the EPA in writing prior to reaching 80, 90, and 95 percent of the disposal capacity for each active landfill cell. The EPA review and approval is required for an alternative approach for assessing landfill disposal and airspace capacity, such as an aerial survey report. Each notification must be submitted via certified mail or electronically to the person identified in Condition IV.B.5 of this Approval [40 C.F.R. § 761.65(d)(4)(iv); 40 C.F.R. § 761.75(c)(3)(ii)].

V. Conditions for Storage, Processing, and Treatment of PCBs

This section sets forth applicable requirements for the storage for disposal of PCBs at concentrations of 50 parts per million (ppm) or greater, PCB Items with PCB concentrations of 50 ppm or greater, and PCB Remediation Waste with an as-found concentration of 50 ppm or greater. This section also applies to processing for disposal and treatment for disposal of PCB-containing waste.

A. Operational and Regulatory Requirements for Storage

- 1. CWMNW must at all times comply with the PCB storage requirements contained in 40 C.F.R. § 761.65.
- 2. Any PCB waste must be disposed of as required by 40 C.F.R. Part 761 Subpart D within one (1) year from the date of removal from service for disposal unless the EPA has approved an extension per 40 C.F.R. §§ 761.65(a)(2)-(3).
- 3. CWMNW may temporarily store PCB Items or PCB containers for up to thirty (30) days in an area that does not comply with the requirements of 40 C.F.R. § 761.65(b) provided that all requirements applicable to the temporary storage area are satisfied and spills of

PCBs are cleaned up in accordance with 40 C.F.R. Part 761, Subpart G [40 C.F.R. § 761.65(c)(1)].

- 4. CWMNW must implement a system to track how long PCB wastes have been in each storage unit to ensure that the thirty (30)-day and one-year time limits are not exceeded. Any exceedances of the time limits are a violation of this Approval and must be recorded and reported to the EPA as an unusual circumstance specified in Condition IV.N.4 of this Approval unless the EPA has approved an additional extension under 40 C.F.R. §§ 761.65(a)(2)-(3) [40 C.F.R. § 761.65(c)(8)].
- 5. Storage of PCB liquids in tanks is not authorized by this Approval. CWMNW must not store liquid PCB wastes in tanks or stationary containers at the Facility.

B. PCB Waste Storage in Containers

- 1. CWMNW must operate and maintain a recordkeeping system to track the volumes and locations of containerized PCB wastes throughout the Facility [40 C.F.R. §§ 761.180(b)(1)-(5)].
- CWMNW must maintain a 2.5-foot or greater aisle space between all containers and items or rows of all containers and items stored in the PCB storage areas [40 C.F.R. § 761.65(d)(4)(iv)].
- 3. CWMNW must store containers to allow for unobstructed access by personnel, fire protection equipment, and decontamination equipment [40 C.F.R. § 761.65(d)(4)(iv)].
- 4. Containers holding PCB waste may be stacked up to two tiers high to ensure stability and safe handling. Bulk intermodal containers can be stored with a minimum of 2.5 feet between them and may be stacked up to three (3) tiers high if the stack is stable, there is no apparent hazard of such containers tipping or falling, and provided that inspection of such containers is not inhibited. For containers with mixed RCRA and TSCA waste, CWMNW must follow the more stringent of the storage requirements [40 C.F.R. § 761.65(d)(4)(iv)].
- 5. CWMNW must store containers placed in storage areas on pallets or other types of material handing platforms [40 C.F.R. § 761.65(d)(4)(iv)].
- 6. CWMNW must not remove any item of movable equipment from an approved storage area that is used for handling PCBs and PCB Items and that comes into direct contact with PCBs (e.g., accidental PCB release from a container or item that contaminates a forklift) unless it has been first decontaminated as specified in 40 C.F.R. § 761.79 [40 C.F.R. § 761.65(c)(4)].
- 7. CWMNW must comply with the requirements for PCB Containers specified in 40 C.F.R. § 761.65(c)(6).
- CWMNW must comply with the marking requirements set forth in 40 C.F.R. §§ 761. 40, 761.45, 761.65(c)(3), and 761.65(c)(8) for all PCB Containers, PCB Items and PCB storage areas.

C. Approved PCB Treatment Units

1. CWMNW is authorized, subject to the conditions of this Approval, to process PCBcontaining wastes for disposal and treat PCB-containing wastes for disposal by the methods in each unit shown in Table 2 below [40 C.F.R. § 761.20(c)(2)(ii)].

Table 2	
Units and Descriptions for Processing and Treatment of PCB-Containing Wast	es

Location of PCB Unit	Processing and Treatment Unit Description	Type of Processing and Treatment Allowed
S-2	Containers in storage	Draining/flushing, repacking, bulking
		Transfer of PCB Liquids
		Solidification
S-6	Macro-encapsulation vault	Solidification
		Macro-encapsulation
S-10	Macro-encapsulation vault	Solidification
S-11	Indoor storage unit	Macro-encapsulation Transfer of PCB liquids
5-11		
5-12	Macro-encapsulation vault	Solidification Macro-encapsulation
B-5	Macro-encapsulation vault	Draining/flushing_repacking_bulking
D 5	Where cheapsulation value	Transfer of PCB liquids
		Solidification
		Stabilization
		Macro-encapsulation
B-6	Macro-encapsulation vault	Draining/flushing, repacking, bulking
	1	Transfer of PCB liquids
		Solidification
		Stabilization
		Macro-encapsulation
B-7	Macro-encapsulation vault	Draining/flushing, repacking, bulking
		Solidification/ stabilization
		Transfer of PCB liquids
		Solidification
		Stabilization
		Macro-encapsulation
B-8	Macro-encapsulation vault	Draining/flushing, repacking, bulking
		Transfer of PCB liquids
		Solidification
		Stabilization
0.011.1		Macro-encapsulation
OSU-1	2 open partially below ground	Solidification
	Carbon steel bins;	Stabilization
	Macro-encapsulation vault	Micro-encapsulation
		Ovidation
		Dracinitation
		Deactivation
		Neutralization
		Chemical Oxidation
		Adsorption
OSU-2	2 open outdoor partially below	Solidification
	ground carbon steel bins:	Stabilization
	Macro-encapsulation vault	Micro-encapsulation
	L	Macro-encapsulation
		Oxidation
		Precipitation
		Deactivation
		Neutralization
		Chemical Oxidation
		Adsorption

Location of	Processing and Treatment Unit	Type of Processing and Treatment
PCB Unit	Description	Allowed
OSU-3	2 open outdoor partially below	Solidification
	ground carbon steel bins;	Stabilization
	Macro-encapsulation vault	Micro-encapsulation
		Macro-encapsulation
		Oxidation
		Precipitation
		Deactivation
		Neutralization
		Chemical Oxidation
		Adsorption
OSU-4	2 open outdoor partially below	Solidification
	ground carbon steel bins;	Stabilization
	Macro-encapsulation vault	Micro-encapsulation
		Macro-encapsulation
		Oxidation
		Precipitation
		Deactivation
		Neutralization
		Chemical Oxidation
		Adsorption
OSU-5	2 open outdoor partially below	Solidification
	ground carbon steel bins;	Stabilization
	Macro-encapsulation vault	Micro-encapsulation
		Macro-encapsulation
		Oxidation
		Precipitation
		Deactivation
		Neutralization Chamical Oxidation
		Adsorption
OSU 6	2 open outdoor perticily below	Solidification
030-0	ground carbon steel bins:	Stabilization
	Macro-encapsulation vault	Micro-encapsulation
		Macro-encapsulation
		Oxidation
		Precipitation
		Deactivation
		Neutralization
		Chemical Oxidation
		Adsorption
SU-B8	Indoor tipping floor with 4	Solidification
	mixing/staging units;	Stabilization
	Macro-encapsulation vault	Micro-encapsulation
		Macro-encapsulation
		Oxidation
		Precipitation
		Neutralization
		Chemical Oxidation
	<u> </u>	Adsorption

D. Processing and Treatment for Disposal of PCB-Containing Waste

- 1. CWMNW must maintain documentation of drain and flush activities for transformers, capacitors, electrical equipment, and other PCB Articles, including the following information [40 C.F.R. § 761.65(d)(4)(iv); 40 C.F.R. § 761.75(c)(3)(ii)]:
 - a. Generator name;
 - b. Date of removal from service;
 - c. Date the PCB article was received;
 - d. Unique load number;
 - e. Amount of oil drained from the article;
 - f. Amount of diesel or alternate flushing solution in accordance with 40 C.F.R. § 761.60(b)(1)(i)(B) used to fill the article;
 - g. Length of time the article was filled with flushing solution (minimum 18 hours); and
 - h. Drum number where the drained oil will be stored.
- 2. CWMNW is authorized to stabilize and/or solidify PCB wastes for disposal except for the following:
 - a. Liquids with concentrations of PCBs greater than 50 ppm except for liquids from incidental sources as classified in 40 C.F.R. § 761.60(a)(3) [40 C.F.R. § 761.60(a)];
 - b. Liquid ignitable wastes, which are wastes that have a flash point less than 60 °C (140 °F) as determined by the following method or an equivalent method: Flash point of liquids shall be determined by a Pensky-Martens Closed Cup Tester, using the protocol specified in ASTM D93–09, or the Setaflash Closed Tester using the protocol specified in ASTM D3278–89 (all standards incorporated by reference in 40 C.F.R. § 761.19) [40 C.F.R. § 761.60(a)(3)(ii); 40 C.F.R. § 761.75(b)(8)(iii)];
 - c. Soils with concentrations of halogenated organic compounds, including PCBs, greater than 1000 ppm that are also determined to be hazardous by toxicity characteristic for metals under RCRA [40 C.F.R. § 761.65(d)(4)(iv); 40 C.F.R. § 761.75(c)(3)(ii); 40 C.F.R. §§ 268.32(b)(1)(i) and (2)(i); 65 FR 81373-81381]; and
 - d. Any other PCB waste with a total PCB concentration greater than 50 ppm except PCB bulk product waste and PCB remediation waste [40 C.F.R. § 761.65(d)(4)(iv); 40 C.F.R. § 761.75(c)(3)(ii)].
- 3. CWMNW is authorized to drain and flush PCB-containing transformers and other PCB Items. The liquid PCBs and solvent containing PCBs must be disposed in accordance with 40 C.F.R. § 761.60(a) [40 C.F.R. § 761.60(b)(1)(i)(B)].
- 4. CWMNW may store non-leaking and structurally undamaged PCB Large High Voltage Capacitors and PCB-Contaminated Electrical Equipment that have not been drained of free-flowing dielectric fluid, subject to the requirements of 40 C.F.R. § 761.65(c)(2) [40 C.F.R. § 761.65(c)(2)].

5. Treatment of any PCBs using thermal desorption is prohibited without first obtaining EPA approval for an alternative disposal method under 40 C.F.R. § 761.60(e) [40 C.F.R. § 761.60(e); 40 C.F.R. § 761.61].

E. Operational and Regulatory Requirements for Processing and Treatment

- 1. CWMNW must prevent uncontrolled reactions during treatment operations [40 C.F.R. § 761.65(d)(4)(iv); 40 C.F.R. § 761.75(c)(3)(ii)].
- CWMNW must take all appropriate measures to minimize dust emissions during outdoor solidification activities, including but not limited to, using non-hazardous liquids for dust suppression [40 C.F.R. § 761.60(b)(8); 40 C.F.R. § 761.79(e); 40 C.F.R. § 761.65(d)(4)(iv); 40 C.F.R. § 761.75(c)(3)(ii)].
- CWMNW must operate at least one baghouse to control dust emissions anytime PCB wastes are being processed within indoor PCB Units. CWMNW must test baghouse dust for PCBs prior to land disposal and manage baghouse dust pursuant to any applicable requirements under 40 C.F.R. Part 761 and this Approval [40 C.F.R. § 761.60(b)(8); 40 C.F.R. § 761.79(e); 40 C.F.R. § 761.65(d)(4)(iv); 40 C.F.R. § 761.75(c)(3)(ii)].
- 4. CWMNW must not remove any equipment that comes into direct contact with PCBs to outside of the Facility unless it has first been decontaminated as specified in 40 C.F.R. § 761.79 [40 C.F.R. § 761.65(c)(4), 40 C.F.R. § 761.65(d)(4)(iv); 40 C.F.R. § 761.75(c)(3)(ii)].
- 5. CWMNW must decontaminate any equipment used to conduct treatment which contacts PCBs in accordance with the self-implementing procedures of 40 C.F.R. § 761.79(c) and must meet the decontamination standards of 40 C.F.R. § 761.79(b) before the equipment is used on non-PCB containing wastes [40 C.F.R. §§ 761.79(b) and (c)].

F. PCB Sampling of Treatment Units

- CWMNW must conduct quarterly sampling of units B-5, B-6, B-7, B-8, and SU-B8 using a standard wipe test as defined in 40 C.F.R. § 761.123. The sampling must include taking a minimum of three wipe samples for PCB analysis from the floor areas in proximity to the mixing/ staging units and tipping floor. Sampling is not required in any unit that has not been used to process or manage PCBs in the preceding quarter [40 C.F.R. §§ 761.30(p) and (u); 40 C.F.R. § 761.65(d)(4)(iv); 40 C.F.R. § 761.75(c)(3)(ii); 40 C.F.R. §§ 761.79(b)(3)(i)(A) and (b)(4)].
- If wipe samples described in Condition V.F.1 show PCB concentrations greater than 10 micrograms (μg)/100 square centimeters (cm²), CWMNW must fully delineate the extent of PCB contamination and initiate the cleanup process in accordance with Section IV.F, Emergency Preparedness and Spill Cleanup, of this Approval. The sampling results and any follow-up cleanup must be reported to the EPA as a circumstance specified in Condition IV.N.4 of this Approval [40 C.F.R. §§ 761.30(p) and(u); 40 C.F.R. § 761.65(d)(4)(iv); 40 C.F.R. § 761.75(c)(3)(ii); 40 C.F.R. §§ 761.79(b)(3)(i)(A) and (b)(4)].

G. Inspection Requirements for PCB Storage, Processing, and Treatment Units

CWMNW must check all PCB Items in storage for leaks at least once every thirty (30) days. Any leaking PCB Item and its contents must be transferred immediately to a properly marked non-leaking container. Any spilled or leaked materials must be immediately cleaned up and the materials and residues containing PCBs shall be disposed of in accordance with 40 C.F.R. § 761.61. Records of inspections, maintenance, cleanup, and disposal must be maintained in accordance with 40 C.F.R. § 761.180(a) and (b) [40 C.F.R. § 761.65(c)(5)].

H. Closure of Storage, Processing, and Treatment Units

- 1. CWMNW must notify the EPA in writing at least sixty (60) days prior to the date on which final closure of its PCB storage, processing, or treatment Facility, or any section of it, is expected to begin. If needed at the time of closure, CWMNW must also include in the notification a request to modify the Closure/ Post-Closure Plan, pursuant to the modification process under Section VII.A of this Approval [40 C.F.R. § 761.65(e)(6)(i)].
- 2. The date CWMNW expects to begin closure shall be no later than thirty (30) days after the date on which the Facility, or any section of it, receives its final quantities of PCB waste for storage. The notification must be submitted via certified mail or electronically to the person identified in Condition IV.B.5 of this Approval [40 C.F.R. § 761.65(e)(6)(ii)].
- 3. After receiving the final quantity of PCB waste, CWMNW must remove all PCB waste from the storage units within ninety (90) days and complete closure of storage units within 180 days unless the EPA approves an extension [40 C.F.R. §761.65(e)(6)(iii); 40 C.F.R. § 761.65(e)(6)(iv)].
- 4. CWMNW must conduct final closure activities (including PCB analysis) for the PCB storage, processing, and treatment units in accordance with Application Appendix H, Closure/ Post-Closure Plan, and Application Sections 3.36-3.37, which are incorporated into this Approval as Attachment 1a and Attachment 1b, respectively.
- 5. As part of the closure, soils beneath the foundation and surrounding each of the PCB storage, processing, and treatment units must be sampled for PCBs in accordance with Subpart N of 40 C.F.R. Part 761; 40 C.F.R. § 761.65; and 40 C.F.R. § 761.286. If PCBs are detected in the soil above 1 ppm (or as otherwise specified by the EPA) total PCBs, the nature and extent of PCB contamination in the area must be investigated and determined, and any soils with PCB concentrations above 1 ppm (or as otherwise specified by the EPA) must be excavated and disposed of in a TSCA approved landfill cell. The remaining soils must then be resampled to verify that they are no longer contaminated above the 1 ppm (or as otherwise specified by the EPA) total PCB limit. CWMNW must use the most current version of the EPA's SW-846 Method 8082 for PCB analysis and Method 3540C for Soxhlet Extraction or an alternative method approved under 40 C.F.R. § 761.61(c) or validated under Subpart Q of 40 C.F.R. Part 761 [40 C.F.R. § 761.61(a)(4)(i)(A); 40 C.F.R. § 761.61(c); 40 C.F.R. § 761.65(e); 40 C.F.R. § 761.65(d)(4)(iv); 40 C.F.R. § 761.75(c)(3)(ii)].
- 6. During the closure period, CWMNW must dispose all contaminated system component equipment, structures, and soils in accordance with the disposal requirements of

40 C.F.R. Part 761 Subpart D, or, if applicable, decontaminate in accordance with the levels specified in the PCB Spills Cleanup Policy under 40 C.F.R. Part 761 Subpart G. If PCB waste is removed from the Facility during closure, CWMNW becomes a generator of PCB waste subject to the generator requirements of 40 C.F.R. Part 761 Subparts J and K [40 C.F.R. § 761.65(e)(7)].

7. Within sixty (60) days of completion of closure of the Facility for the storage of PCB waste, CWMNW must submit to the EPA, by certified mail, a certification that the PCB Units for storage in the Facility have been closed in accordance with the approved closure plan. The certification must be signed by CWMNW and by an independent registered professional engineer [40 C.F.R. § 761.65(e)(8)].

VI. Conditions for Landfill Disposal of PCBs

A. Approved Landfill Units and Maximum Disposal Capacities

- 1. CWMNW must at all times comply with the landfill and disposal requirements contained in 40 C.F.R. §§ 761.60 and 761.75.
- 2. This Approval authorizes, subject to the conditions of this Approval, the Landfill L-14 Cells 1-5 at the CWMNW Arlington Facility to receive PCB wastes for disposal [40 C.F.R. § 761.75].
- 3. This Approval conditionally authorizes L-14 Cells 6-8 once the EPA approves a compliance schedule and construction report for these units.
- 4. The maximum disposal capacity of Landfill L-14 Cells 1-5 combined must not exceed 6.3 million cubic yards inclusive of waste and daily cover [40 C.F.R. § 761.75(c)(3)(ii)].
- CWMNW must include the amount of remaining disposal capacity for each of the operating landfills in the annual report required by 40 C.F.R § 761.180(b) [40 C.F.R. § 761.75(c)(3)(ii)].
- CWMNW must construct Landfill L-14, Cells 5-8 and maintain Landfill L-14 in accordance with Application Section 2 and Attachment 5, Application Appendix L, Landfill Design, Operations, and Response Plan [40 C.F.R. §§ 761.75(b)(1), (b)(2), and (c)(3)(ii)].

B. PCB Wastes Authorized for Disposal

- 1. CWMNW is authorized, subject to the conditions of this Approval, to dispose of the following non-liquid PCB wastes in the L-14 landfill, Cells 1-4, and to dispose of the following non-liquid PCB wastes in the L-14 landfill, Cells 5-8 upon final construction consistent with the requirements of Condition VI.A.5:
 - a. **PCB Transformers** [as defined in 40 C.F.R. § 761.3 and as required in 40 C.F.R § 761.60(b)(1)(i)]. Disposal is limited to PCB Transformers that arrive at the Facility drained and flushed and containing no free-flowing liquids. CWMNW must verify certification from the generator that the PCB Transformer has been drained/flushed in accordance with 40 C.F.R. § 761.60(b)(1)(i)(B).

- b. PCB-Contaminated Electrical Equipment [as defined in 40 C.F.R. § 761.3 and as required in 40 C.F.R. § 761.60(b)]. Disposal is limited to PCB-Contaminated Electrical Equipment that contained PCBs liquids at concentrations ≥50 ppm and <500 ppm. Such equipment except large capacitors must be drained of all free-flowing liquids prior to landfill disposal. The removed liquid PCBs must be disposed in accordance with the incineration or other disposal requirements under 40 C.F.R. § 761.60(a). PCB capacitors with a PCB concentration <500 ppm may be disposed in the landfill without draining.</p>
- c. **PCB Articles** [as defined in 40 C.F.R. § 761.3 and as required in 40 C.F.R. § 761.60(b)(6)]. PCB Articles must be drained of all free-flowing liquids, and the liquids must be disposed in accordance with 40 C.F.R. § 761.60(a).
- d. **Non-liquid PCBs** [as defined in 40 C.F.R. § 761.3]. Disposal is limited to non-liquid PCBs.
- e. **PCB Containers** [as defined in 40 C.F.R. § 761.3 and as required in 40 C.F.R. § 761.60(c)(1)]. Disposal is limited to:
 - (1) PCB containers that have been fully drained of any liquids. The removed PCB liquids must be disposed in accordance with the incineration or other disposal requirements under 40 C.F.R. § 761.60(a).
 - (2) PCB Containers containing liquids with PCB concentrations <500 ppm from incidental sources such as from precipitation, condensation, leachate, or load separation, provided that each container is surrounded by an amount of inert sorbent material capable of absorbing all the liquid contents of the container.
- f. **PCB Remediation Waste** [as defined in 40 C.F.R. § 761.3]. Disposal is limited to materials meeting the definition of non-liquid PCBs at 40 C.F.R. § 761.3.
- g. PCB Bulk Product Waste [as defined in 40 C.F.R. § 761.3].
- h. Solidified Liquids Associated with PCB Articles or Nonliquid PCB Waste [40 C.F.R. § 761.60(a)(3)]. Disposal is limited to liquids that are from incidental sources, such as precipitation, condensation, leachate, or load separation, and are associated with PCB Articles or non-liquid PCB waste provided that the liquids are <500 ppm PCB, are not an ignitable waste, and that, as a result of treatment, meet the definition of non-liquid PCBs at 40 C.F.R. § 761.3.

C. Disposal Prohibitions

- 1. The following items are prohibited from disposal:
 - a. Solid or liquid ignitable wastes including those that are characteristically ignitable under RCRA as defined in 40 C.F.R. § 261.21(a), are spontaneously combustible, or have a flash point less than 60 °C (140 °F). The following methods can be used to determine ignitability: Pensky-Martens Closed-Cup Method for Determining Ignitability (Method 1010A), the Setaflash Closed-Cup Method for Determining Ignitability (Method 1020B), the Ignitability of Solids (Method 1030), Test Method for Oxidizing Solids (Method 1040), and the Test Method to Determine Substances

Likely to Spontaneously Combust (Method 1050). Any disposal of waste known to be ignitable at the time of acceptance, or later determined to be ignitable after disposal, constitutes a violation of this condition [40 C.F.R. § 761.75(b)(8)(iii)];

- b. Liquid wastes, as defined by the paint filter liquid test, described in the most current version of the EPA Publication SW-846, "Test Methods for Evaluating Solid Wastes," Method 9095 [40 C.F.R. § 761.60(a)];
- c. Large Capacitors that contain liquids with 500 ppm or greater of PCBs [40 C.F.R. § 761.60(b)(2)(iii)];
- d. PCB small capacitors subject to the disposal requirements at 40 C.F.R. § 761.60(b)(2)(iv) [40 C.F.R. § 761.60(b)(2)(iv)];
- e. Any wastes including, but not limited to, mixed RCRA and TSCA regulated wastes, that do not meet the land disposal restrictions at 40 C.F.R. Part 268 [40 C.F.R. § 761.75(c)(3)(ii)]; and
- f. Any radiologically contaminated waste material, excluding any source material, special nuclear material, or byproduct material (as such terms are defined in the Atomic Energy Act of 1954 and regulations issued under such Act) [40 C.F.R. § 761.75(c)(3)(ii)].

D. Landfill Operations and Management of Wastes

- CWMNW must operate the L-14 landfill to prevent uncontrolled reactions, damage to the structural integrity of a device holding waste, damage to the landfill, release of hazardous wastes, or threats to human health and the environment [40 C.F.R. § 761.75(c)(3)(ii)].
- 2. CWMNW must maintain a permanent and accurate record in the Facility's operating record identifying the specific three-dimensional location of each hazardous waste type, based on grid coordinates, within each cell of the L-14 landfill [40 C.F.R. §§ 761.75(b)(8)(ii) and (iv)].
- 3. CWMNW must control wind dispersal of particulate matter during landfill operations. Control methods must include, but are not limited to [40 C.F.R. § 761.75(b)(9)(iii)]:
 - a. Placing daily cover over deposited wastes to control wind dispersal of particulate matter;
 - b. Use of non-hazardous, non-RCRA liquids and, as specified in this Approval, leachate from the landfill to suppress dispersal of particulate matter;
 - c. Avoidance of unloading dusty materials in high wind conditions;
 - d. Covering dusty loads promptly; and
 - e. Other management controls as necessary to control particulate emissions.

- 4. CWMNW may use untreated leachate from the L-14 landfill for dust suppression only on the active parts of the landfill in accordance the following conditions [40 C.F.R. § 761.75(c)(3)(ii)]:
 - a. Leachate may not be applied to roads.
 - b. Sprinkler and drip systems must be operated to prevent landfill sideslope erosion.
 - c. Leachate must not be applied in quantities leading to puddles, saturated soil conditions, excessive percolation, or runoff; and
 - d. CWMNW must inspect the leachate application area weekly for evidence of spray leaving the footprint of the landfill, sideslope application, runoff, or puddling. If any of these conditions are observed, CWMNW must reduce the amount of leachate application accordingly.
- 5. All liquid PCB wastes that are transported off-site for disposal must be sent to an EPAapproved PCB disposal facility in accordance with 40 C.F.R. § 761.60(a).
- CWMNW must maintain surface water controls to prevent run-on onto the landfill, runoff from the landfill, and surface water discharge from the Facility [40 C.F.R. §§ 761.75(b)(3)-(4)].
- 7. CWMNW is only authorized to dispose of PCBs in approved disposal cells. Any PCBs transported outside authorized disposal areas must be managed as PCB remediation waste pursuant to 40 C.F.R. § 761.61(a). CWMNW must implement, at a minimum, the following controls to assure that PCB-contaminated material is not carried from the active disposal area:
 - a. CWMNW must decontaminate equipment leaving the active PCB waste handling area in accordance with 40 C.F.R. § 761.79(b)(3);
 - b. Prior to leaving the landfill cell, equipment that contacts PCB waste must be tested using wipe samples and decontaminated, if necessary, until analysis of wipe samples demonstrate that PCB levels are below 10 μ g/100 cm² [40 C.F.R. § 761.61(a)(4)(ii)]; and
 - c. Soil from the landfill access ramp must be sampled quarterly. If PCB contamination is detected, the ramp surface soil must be scraped and resampled until analysis shows PCB contamination less than 25 ppm [40 C.F.R. § 761.75(c)(3)(ii); 40 C.F.R. § 761.61(a)(4)(i)(B)].
- 8. CWMNW must maintain the existing 6-foot-high chain link fencing surrounding the current operations area. CWMNW will install 6-foot-high chain link fencing in phases around future PCB Units as they are constructed to prevent unauthorized persons and animals from entering [40 C.F.R. § 761.75(c)(4)].

E. Groundwater Monitoring

1. CWMNW must comply with the groundwater monitoring requirements specified in 40 C.F.R. §§ 761.75(b)(6)(ii) and (iii).

- CWMNW must annually analyze groundwater samples for the parameters specified in 40 C.F.R. § 761.75(b)(6)(iii) using methods from the most current version of the EPA Publication SW-846, "Test Methods for Evaluating Solid Wastes" and from American Society for Testing and Materials (ASTM) as appropriate [40 C.F.R. § 761.75(c)(4)].
- 3. CWMNW must notify the EPA in writing within seven (7) calendar days of receiving the analytical report showing, or otherwise becoming aware of, a detection of PCBs in any groundwater sample. The report must identify the levels of PCBs detected and the affected groundwater monitoring well. The notification must be made in accordance with Condition IV.B.5 of this Approval [40 C.F.R. § 761.75(c)(3)(ii)].
- 4. CWMNW must maintain monitoring wells and not plug, abandon, or decommission any monitoring wells without first receiving written approval from the EPA [40 C.F.R. § 761.75(c)(3)(ii)].
- 5. CWMNW must submit to the EPA an annual report that contains the analytical and field data results from the groundwater monitoring required by this Approval. The annual groundwater monitoring report must include: (1) the groundwater monitoring data; (2) data analysis; (3) conclusions that discuss the significance of the current data in comparison to historical data (trends); (4) identification and discussion of any anomalies with the data; and (5) historical sampling data contained in the appendices. The data must be reported in graphical, tabular, and electronic file format as approved by the EPA [40 C.F.R. § 761.75(c)(3)(ii)].

F. Leachate Management, Monitoring, Sampling, Disposal, and Reporting

- 1. CWMNW must comply with the leachate collection and monitoring requirements specified at 40 C.F.R. § 761.75(b)(7).
- 2. Management and Monitoring of Leachate:
 - a. CWMNW must operate the leachate collection and detection systems for Landfill L-14 to prevent a fluid head on either liner greater than one (1) foot [40 C.F.R. § 761.75(c)(3)(ii)].
 - b. CWMNW must, during the active life of the landfill, monitor at least on a weekly basis, the depth of liquid in all of the leachate collection and detection sumps for Landfill L-14 [40 C.F.R. § 761.75(c)(3)(ii)].
 - c. CWMNW must, within 24 hours of detecting pumpable liquids with a depth of greater than one (1) foot in any collection or detection sump on Landfill L-14, pump all of the liquids from each sump [40 C.F.R. § 761.75(c)(3)(ii)].
 - d. CWMNW must notify the EPA in writing within seven (7) calendar days of the fluid head on either liner exceeding one foot for Landfill L-14. Within thirty (30) days of the initial notification, CWMNW must submit to the EPA a report that includes the following information and determinations: (1) an assessment of the possible source of the liquids (including estimated volumes broken down by source area), (2) results of a fingerprint, hazardous constituent, or other analysis to identify the sources of liquids and possible locations of any leaks, and the hazard and mobility of the liquid, (3) an assessment of the seriousness of the leak in terms of potential for escaping into the

environment, (4) the location, size, and cause of any leak, and (5) a determination whether waste receipt should cease or be curtailed, whether any waste should be removed from the unit for inspection, repairs, or for installation of controls, and whether any other short-term and long-term actions need to be taken to mitigate or stop any leaks. The written notifications must be submitted via certified mail or electronically to the person identified in Condition IV.B.5 of this Approval [40 C.F.R. § 761.75(c)(3)(ii)].

- e. CWMNW must record and track, in an electronic database, the volumes of leachate pumped from collection and detection sumps on the L-14 landfill. The data, tables, graphs, and an assessment of the tracking data and trend analysis must be included in the Leachate Status Report required in Condition VI.F.4 of this Approval [40 C.F.R. § 761.75(c)(3)(ii)].
- 3. Leachate Sampling and Analysis
 - a. On a quarterly basis CWMNW must collect leachate samples from all landfill L-14 collection and detection sumps which contain pumpable liquids. CWMNW must analyze the samples for parameters specified in 40 C.F.R. § 761.75(b)(6)(iii) using methods from the most current version of the EPA Publication SW-846, "Test Methods for Evaluating Solid Wastes" and from ASTM as appropriate. The leachate samples taken for analysis must be unfiltered. Run-on accumulated precipitation can be sampled using the same methodologies. The use of these analytical methods is a waiver of the requirement to use specified sampling methods in 40 C.F.R. § 761.75(b)(6)(iii).
 - b. If PCBs are detected in any leachate sample, CWMNW must notify the EPA in writing within 48 hours of receiving the analytical report or otherwise becoming aware of a detection of PCBs in a leachate sample. The report shall identify the source of the leachate and PCB levels detected [40 C.F.R. § 761.75(c)(3)(ii)].
- 4. Leachate Status Reporting
 - a. CWMNW must submit semi-annual Leachate Status Reports to the EPA. One must be submitted by March 30 of each year that covers the July to December period of the previous year, and the second report submitted by September 30 that covers the January to June period of the same year. The Leachate Status Reports must include, at a minimum, sampling location, identification of the landfill, the sump name, date and time of sump PCB sampling, date and time of sump pumping, the monthly volume of leachate pumped, date and time of treated leachate sampling, PCB test results for sump and treated leachate sampling, identification of any PCB detections, the leachate collection period, database printouts in appendices, and a summary discussion of what took place during the reporting period including an assessment of the sampling results. CWMNW must put the information and data into tables and graphs that show the leachate volume pumped versus time for each sump such that trends can be identified. The written report must be submitted via certified mail and electronically to the person identified in Condition IV.B.5 of this Approval [40 C.F.R. § 761.75(c)(3)(ii)].

G. Inspection Requirements for Landfill Units

- 1. CWMNW must conduct inspections of the L-14 landfill within 24 hours or on the next business day after a storm event of 0.5 inches or greater of rainfall and/or when sustained wind speed conditions exceeding 25 miles per hour (mph) are confirmed to detect evidence of any of the following [40 C.F.R. § 761.75(c)(3)(ii)]:
 - a. Signs of instability or erosion in above grade dikes;
 - b. Erosion of daily cover applied for wind dispersal and areas of exposed waste;
 - c. Deterioration, malfunction, or improper operation of the run-on and run-off system; and
 - d. The presence of leachate in, and the proper functioning of, the leachate collection and removal system.
- 2. CWMNW must evaluate and address all deficiencies identified during the inspections of the L-14 landfill. Any deficiency identified must be repaired, replaced, cleaned up, or otherwise corrected within 48 hours after discovery [40 C.F.R. § 761.75(c)(3)(ii)].
- 3. CWMNW must document all inspections and follow-up responses of the L-14 landfill, and maintain this documentation in the operating record [40 C.F.R. § 761.75(c)(3)(ii); 40 C.F.R. §§ 761.180(b) and (d)].

H. Closure of Landfill Units

- CWMNW must notify the EPA in writing at least 180 days prior to the date it expects to begin closure of any of the landfill units. If needed at the time of closure, CWMNW must also include in the notification a request to modify the Closure/ Post-Closure Plan, pursuant to the modification process under Section VII.A of this Approval [40 C.F.R. § 761.75(c)(3)(ii)].
- 2. CWMNW must begin closure activities for an active landfill within sixty (60) days of when the unit reaches its maximum disposal capacity [40 C.F.R. § 761.75(c)(3)(ii)].
- 3. CWMNW must conduct final closure activities for Landfill L-14 Cells 1-8 in accordance with Application Appendix H, Closure/ Post-Closure Plan, which is incorporated into this Approval as Attachment 1a [40 C.F.R. § 761.75(c)(3)(ii)].
- 4. CWMNW must submit a request to the EPA to modify the Closure/ Post-Closure Plan pursuant to Section VII.A of this Approval within thirty (30) days of the following [40 C.F.R. § 761.75(c)(3)(ii)]:
 - a. Changes in ownership;
 - b. Changes that affect the Closure/Post-Closure Plan including operating plans, Facility design, or Facility operations;
 - c. A change in the expected date of closure, if applicable;
 - d. An unexpected event occurring during closure activities; or

e. Changes to the EPA regulations that would affect the Closure/ Post-Closure Plan requirements.

The corresponding post-closure plan for these units must also be modified as necessary to be consistent with any changes made to the closure plan.

I. Post-Closure Care for Landfill Units

- CWMNW must conduct post-closure care for non-operating landfills (L-1, L-3, L-5, L-6, L-7, L-8, L-9, L-10, L-12, and L-13) and Landfill L-14 Cells 1-8. Post-closure care must begin after final closure is certified complete for each unit and continue for thirty (30) years after the date of closure for each unit, which is hereinafter referred to as the "post-closure care period" [40 C.F.R. § 761.75(c)(3)(ii)].
- 2. CWMNW must comply with groundwater monitoring, sampling, and reporting requirements throughout the post-closure care period in accordance with Section VI.E of this Approval [40 C.F.R. § 761.75(c)(3)(ii)].
- 3. CWMNW must comply with leachate monitoring, sampling, pumping, and reporting requirements throughout the post-closure care period in accordance with Section VI.F of this Approval [40 C.F.R. § 761.75(c)(3)(ii)].
- 4. CWMNW must inspect and maintain the groundwater monitoring system, final cover, run-on and run-off structures, and leachate collection systems throughout the post-closure care period [40 C.F.R. § 761.75(c)(3)(ii)].
- 5. CWMNW must inspect landfills in post-closure care within 24 hours or on the next business day after a storm event of 0.5 inches or greater of rainfall and/or when sustained wind speed conditions exceeding 25 mph are confirmed, to detect evidence of any of the following [40 C.F.R. § 761.75(c)(3)(ii)]:
 - a. Signs of instability or erosion in the final cover and above grade dikes;
 - b. Deterioration, malfunction, or improper operation of the run-on and run-off system; and
 - c. The presence of leachate in, or the improper functioning of, the leachate collection and removal system.
- 6. CWMNW must document all inspections of landfills in post-closure care. CWMNW must also document actions taken to address any deficiencies identified during the inspections [40 C.F.R. § 761.75(c)(3)(ii)].
- CWMNW must maintain the integrity and effectiveness of the final cover, including making repairs to the cap, as necessary, to correct the effects of settling, subsidence, erosion, or other events throughout the post-closure care period [40 C.F.R. § 761.75(c)(3)(ii)].
- 8. CWMNW must prevent run-on and run-off from eroding or otherwise damaging the final cover and protect and maintain surveyed benchmarks such that they can be used to determine landfill elevations throughout the post-closure care period [40 C.F.R. § 761.75(c)(3)(ii)].

- 9. CWMNW must annually survey the elevation of the closure caps to verify that the caps are not eroding or are otherwise being compromised [40 C.F.R. § 761.75(c)(3)(ii)].
- 10. CWMNW must submit an annual report to the EPA by July 15 of each year throughout the post-closure care period that includes the information specified in Conditions VI.E.5, VI.F.3.a-b, VI.F.4.a, and VI.I.9 of this Approval [40 C.F.R. § 761.75(c)(3)(ii)].
- 11. At least eighteen (18) months prior to the end of the most recent post-closure care period, CWMNW must submit to the EPA an Approval modification request, in accordance with Section VII.A of this Approval, that contains an updated post-closure care plan that renews the post-closure care period for an additional thirty (30) years. The modification request must also include a revised post-closure care cost estimate and corresponding financial assurance mechanism. CWMNW may submit, prior to the eighteen-month time period, a demonstration to the EPA showing why it believes that an additional thirty (30)-year post-closure care period is not necessary. If the EPA approves the demonstration, CWMNW must continue to submit thirty (30)-year post-closure care is no longer necessary. Unless the EPA approves any Approval modification request submitted pursuant to this Condition, CWMNW must continue post-closure care activities consistent with its current post-closure care plan [40 C.F.R. § 761.65(d)(4)(iv); 40 C.F.R. § 761.75(c)(3)(ii)].

VII. Procedures to Modify, Transfer, Revoke, Suspend, Deny, Continue or Renew Approval

The filing of a request by CWMNW for an Approval modification, revocation or termination, or the notification of planned changes or anticipated noncompliance on the part of CWMNW, does not stay the applicability or enforceability of any Approval condition [40 C.F.R. § 761.65(d)(4)(iv); 40 C.F.R. § 761.75(c)(3)(ii)].

A. Modifications

- 1. The EPA may unilaterally reopen or modify this Approval for the following reasons:
 - a. *Alterations*. There are material and substantial alterations or additions to the Facility or activity which occurred after the Approval was issued.
 - b. *Information.* The EPA has received new or different information that was not available or not provided at the time of Approval issuance that EPA believes would justify the application of different Approval conditions at the time of issuance.
 - c. *New statutory requirements or regulations.* The standards or regulations on which the Approval was based have been impacted by statutory revisions, through promulgation of new or amended regulations, or by judicial decision after the Approval was issued.
 - d. *Compliance and/or construction schedules.* The EPA determines good cause exists for modification of a compliance and/or construction schedule, such as an act of God, strike, flood, or materials shortage or other events over which CWMNW has little or no control and for which there is no reasonably available remedy.

- 2. CWMNW may not make major modifications (e.g., changes to engineering design, ancillary hardware, type of catalyst, process capacity, change in PCB storage or disposal areas, changes to maximum PCB storage or disposal volume) prior to receiving written approval from the EPA. The EPA may require CWMNW to conduct a demonstration test or provide additional information to ensure operations at the Facility continue to meet applicable performance standards and do not present an unreasonable risk of injury to health or the environment.
- 3. CWMNW may initiate a minor modification to this Approval, provided that the minor modification will not go into effect without written concurrence from the EPA. A minor modification is defined as an administrative or informational change, correction or typographical error or any other change that does not affect overall performance or environmental impact. The EPA may determine that a minor modification request should be evaluated as a major modification.

B. Transfer of Ownership

- 1. At least thirty (30) days prior to the proposed transfer of ownership of the property or the proposed transfer of the right to operate PCB management activities at the Facility, CWMNW must:
 - a. Submit notice to the EPA that includes a notarized affidavit signed by the transferee which states that the transferee will abide by this Approval [40 C.F.R. § 761.65(j); 40 C.F.R. § 761.75(c)(7)]; and
 - b. Provide evidence of financial assurance for closure and post-closure that the transferee will have in effect as of the date of proposed transfer.
- 2. Within thirty (30) days of receiving the notification and affidavit discussed in Condition VII.B.1, U.S EPA will issue an amended approval substituting the transferee's name for the transferor's name, or the EPA may require the transferee to apply for a new PCB storage and chemical waste landfill approval. In the latter case, the transferee must abide by the conditions of this Approval until the EPA issues the new approval to the transferee [40 C.F.R. § 761.75(c)(7)].

C. Revocation or Suspension of Renewal

- The EPA may issue a notice of deficiency; suspend or revoke this Approval; deny an Application for Approval renewal; and/or take an enforcement action, if the EPA determines that one or more of the following conditions have occurred [40 C.F.R. § 761.65(d)(4)(iv); 40 C.F.R. § 761.75(c)(3)(ii)]:
 - a. Noncompliance with the conditions of this Approval or with the PCB regulations at 40 C.F.R. Part 761;
 - b. Failure by CWMNW in the Approval application or Approval issuance process to disclose fully all relevant facts, or CWMNW's misrepresentation of any relevant facts at any time;
 - c. The EPA's issuance of new regulations, standards or guidance for issuing PCB approvals;

- d. The EPA determines the PCB waste management process is being operated in a manner that may result in an unreasonable risk to human health and the environment; or
- e. U.S EPA has not received a complete or non-deficient Approval application prior to expiration of this Approval, or by a date specified by the EPA if the EPA determines that a new or revised application is necessary to prevent an unreasonable risk of injury to health or the environment.

D. Continuation

- 1. The conditions of this Approval extend beyond the expiration date if:
 - a. CWMNW has submitted a timely and complete Application for renewal to the EPA in accordance with Condition VII.E of this Approval; and
 - b. The EPA does not deny the renewal application by the expiration date or issue a new Approval with an effective date on or before the expiration date of this Approval.

E. Renewal or Closure

1. CWMNW must at least 180 days prior to expiration of this Approval, submit to the EPA either a written notice of its intent to seek renewal of the Approval or provide notice of its intent to initiate closure. If CWMNW requests renewal of the Approval, the written notice must consist of a written application that includes all documents necessary to satisfy the requirements for a TSCA PCB Approval under 40 C.F.R. Part 761.

VIII. Definitions

Unless otherwise defined below, all the terms and acronyms used in this Approval must have the same definitions as those set forth in Section 3 of TSCA, 15 U.S.C. § 2602, and 40 C.F.R. § 761.3.

- 1. "Approval" means this TSCA Approval to operate a facility that manages PCBs.
- 2. "C.F.R." means the Code of Federal Regulations.
- 3. "Closure/ Post-Closure Plan" means the Closure/ Post-Closure Plan for the Facility.
- 4. "**cm**²" means square centimeters.
- 5. "Day" means a calendar day unless otherwise stated as an operating day.
- 6. **"DOT"** means the U.S. Department of Transportation.
- 7. **"Facility"** means the CWMNW hazardous waste management facility located at 17629 Cedar Springs Lane, Arlington, Oregon.
- 8. **"Hazardous"** or **"hazardous waste"** means a waste meeting the criteria at 40 C.F.R. § 261.3(a).
- 9. **"Long-Term Storage"** means PCB storage not exceeding one (1) year from the date it was determined to be PCB waste unless extended under 40 C.F.R. § 761.65(a)(2)-(3).

- 10. "µg" means micrograms.
- 11. "mph" means miles per hour.
- 12. "ODEQ" means Oregon Department of Environmental Quality.
- 13. "Operator" means Chemical Waste Management of the Northwest.
- 14. **"PCB Unit"** means any storage, treatment, or disposal unit at the Facility at which PCB wastes are managed for storage, disposal, and or treatment under 40 C.F.R. Part 761.
- 15. "ppm" means parts per million or milligrams per kilogram.
- 16. "RCRA" means the Resource Conservation and Recovery Act.
- 17. **"Temporary Storage"** means PCB storage of specific PCB Items per 40 C.F.R. § 761.65(c)(1)(i)-(iv) not exceeding thirty (30) days from the date of removal from service.
- 18. **"Treatment"** has the meaning in 40 C.F.R. § 260.10, which is incorporated by 40 C.F.R. § 761.20(c)(2)(ii).
- 19. **"TSCA"** means the Toxic Substances Control Act, 15 USC 2601 *et seq.* and 40 C.F.R. Part 761.
- 20. "EPA" means the United States Environmental Protection Agency, Region 10 Office.