UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 6
1201 Elm St.
Suite 500
Dallas, TX 75270

In The Matter Of:

Waste Control Specialists LLC
9998 West State Highway 176
Andrews, TX 79714
EPA IDs # TXR000075788, # TXD988088464

Approval to Commercially Store and Dispose Polychlorinated Biphenyl Waste

AUTHORITY

This Approval is issued pursuant to Section 6(e)(1) of the Toxic Substances Control Act (TSCA), 15 USC § 2605(e)(1), and the federal Polychlorinated Biphenyl (PCB) Regulations at 40 CFR Part 761.

TABLE OF CONTENTS

I. BACKGROUND
II. FINDINGS
III. EFFECTIVE DATE
IV. DEFINITIONS AND ACRONYMS
V. CONDITIONS OF APPROVAL
    A. General Conditions
    B. Facility Operation, Limitation of Exposure, and Control of Releases
    C. Safety Conditions
    D. PCB Spills and Releases
    E. Emergency Provisions
    F. Recordkeeping and Reporting
    G. Reservation of Rights
    H. Manifest Requirements
    I. Waste Analysis Plan
    J. Closure and Financial Assurance
VI. DECISION TO APPROVE WASTE CONTROL SPECIALISTS' APPLICATION

Attachments

I. BACKGROUND

Waste Control Specialists LLC (Waste Control Specialists (WCS)) owns and operates a facility located at Andrews, Texas, at which it functions as a commercial storer and disposer of PCB waste (as defined in 40 CFR § 761.3) engaged in activities requiring EPA approval.

On April 29, 2025, Waste Control Specialists applied for renewal of its PCB Waste Commercial Storage and Disposal Approval. The renewal application submitted on April 29, 2025, and additional documents submitted through March 31, 2026, are the subject documents reviewed for the issuance of this Approval.

II. FINDINGS

Upon review of the Waste Control Specialists Application, the EPA has determined that the criteria for approval to engage in the commercial storage and disposal of PCB waste set forth in 40 CFR § 761.65(d) and 40 CFR § 761.75. have been met. Specifically, the Application demonstrates that Waste Control Specialists' storage facility, storage capacity, landfill, employee qualifications, closure plan, and financial assurance for closure satisfy applicable requirements and that operation of the commercial storage and disposal facility, when conducted in accordance with the conditions of this Approval and all applicable provisions of the PCB regulations, will not pose an unreasonable risk to human health or the environment.

III. EFFECTIVE DATE

This Approval is effective upon signature and shall expire five (5) years after the date of signature, except as otherwise specified in Condition 2.d.(V).

IV. DEFINITIONS AND ACRONYMS

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

> "Approval" means the content of this document, the conditions within, the application, and any subsequent EPA-approved written modifications thereto.
>
> "Application" and "Waste Control Specialists Application" means all data and materials upon which EPA based its decision to approve Waste Control Specialists' request for approval to commercially store and dispose PCB waste, e.g., information submitted to EPA by Waste Control Specialists to define, represent, or describe Waste Control Specialists' commercial storage and disposal. This includes Waste Control Specialists' April 29, 2025, renewal application and any

subsequent Waste Control Specialists application that EPA approves in writing as a modification to this Approval. The Application includes any Technical Support Documents.

“CFR” means the Code of Federal Regulations.

“Closure” means the cessation of the use of a subject facility, and activities undertaken to secure the facility and control, minimize or eliminate the threat to human health and the environment from the facility. General closure requirements for PCB commercial storage facilities are set forth in the TSCA regulations at 40 CFR § 761.65(e).

“Closure Plan” means the written plan for achieving proper closure of a subject facility. The closure plan identifies the steps that the owner or operator of the facility shall take to close the Facility in a manner that eliminates the potential for post-closure releases of PCBs which may present an unreasonable risk to human health or the environment. Closure plan requirements for PCB commercial storage facilities are set forth in the TSCA regulations at 40 CFR § 761.65(e).

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

“Director of LCRD” means the Director of the Land, Chemicals, and Redevelopment Division, EPA, Region 6.

“Electrical equipment” means site-specific equipment identified in Waste Control Specialists’ closure plan for Waste Control Specialists.

"EPA" means the United States Environmental Protection Agency, including Headquarters and Regional offices.

“Region” means EPA, Region 6.

“HQ” means EPA Headquarters.

“Waste Control Specialists LLC” means Waste Control Specialists, the company which owns the real property at the PCB waste commercial storage and disposal facility located at 9998 West State Highway 176 in Andrews, Texas, and which is approved to commercially store and dispose of PCB waste under this Approval.

“Waste Control Specialists Facility”, “Facility” and “Site” means all contiguous land, and structures, other appurtenances, and improvements on the land used for the PCB waste commercial storage and disposal located at 9998 West State Highway 176 in Andrews, Texas.

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

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

“Operator” means Waste Control Specialists LLC, 9998 West State Highway 176 in Andrews, Texas, that operates the PCB commercial storage and disposal facility.

“Owner” means Waste Control Specialists LLC, 9998 West State Highway 176 in Andrews, Texas, 79714 that has legal ownership of the Facility.

“PCB” and “PCBs” means Polychlorinated Biphenyl(s) as defined in 40 CFR § 761.3.

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

"PCB Wastes" generally refers to the waste generated by Waste Control Specialists during [maintenance, etc.] as described in their application, which may include Leachate and potential contact water pumped from landfill sump, PCB remediation waste, laboratory debris, etc.

“Regional Administrator” means the Regional Administrator at Region 6.

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

“SPCC Plan” is the Spill Prevention Control and Countermeasure Plan prepared in accordance with 40 CFR Part 112.

“Storage Area” means area where PCBs and PCB Wastes are being stored including centralized storage locations and consolidation areas.

“Technical Support Document” means any additional information submitted by the facility to EPA such as testing results, specifications, and any additional documentation to support EPA’s determination of no unreasonable risk. These documents shall be kept in a folder as part of the official records.

V. CONDITIONS OF APPROVAL

In the event that the information contained in the application or other supporting documentation differs from the conditions specified in this Approval, the conditions of this Approval shall govern.

A. General Conditions

1. Duties and Responsibilities

(a) Approval Compliance

(i) Waste Control Specialists must operate in compliance with the conditions of this Approval and consistent with the information included in Waste Control Specialists Application.

(ii) Waste Control Specialists must comply and operate the Facility in accordance with Section 6(e) of TSCA, 15 U.S.C § 2605(e), and the PCB Regulations, including the requirements of the "PCB Spill Cleanup Policy" codified at 40 CFR Part 761, Subpart G.

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

(iv) Waste Control Specialists is liable for the actions of its employees, agents, contractors, and subcontractors in the operation of the Facility.

(v) Prior to commercial storage and disposal of PCB waste under this Approval, Waste Control Specialists must obtain any other necessary federal, state, and/or local permits or approvals associated with the cleanup, removal, storage, transportation, and disposal of the PCB waste subject to this Approval.

(vi) This Approval does not relieve Waste Control Specialists of the responsibility to comply with any other applicable federal, state, and/or local laws, regulations, or ordinances, including the PCB Regulations. Waste Control Specialists should not rely solely on this Approval for all requirements related to PCBs or the storage of PCB waste.

(vii) Failure to comply with the approval conditions specified herein shall constitute a violation of this Approval and provisions of the federal PCB Regulations in 40 CFR part 761, Subpart X. A violation of the PCB Regulations is a prohibited act under Section 15 of TSCA. A violation of TSCA is grounds

for civil or criminal enforcement action and associated penalties; for approval termination, revocation and reissuance, or modification; and/or for denial of an approval renewal application.

(b) Proper Operation and Maintenance

The Permittee must at all times properly operate and maintain all facilities and systems of treatment and control (and related appurtenances), which are installed or used by the Facility to achieve compliance with the conditions of this Approval and as outlined in Condition B. Proper operation and maintenance include effective performance, adequate funding, adequate operator staffing and training, and adequate laboratory and process controls, including appropriate quality assurance/quality control procedures. This provision requires the operation of backup or auxiliary facilities or similar systems only when necessary to achieve compliance with the conditions of this Approval.

(c) Duty to Report Noncompliance

If at any time Waste Control Specialists becomes aware that it is operating the Facility in a manner that is not in compliance with this Approval or other applicable provisions of the PCB Regulations, Waste Control Specialists shall notify the EPA within 24 hours and shall submit a written report to the EPA Region 6 PCB Coordinator describing the noncompliance within five (5) calendar days.

(d) Duty to Reapply

If Waste Control Specialists intends to continue an activity allowed by this Approval 365 days before the expiration date of this Approval, or will not have completed post-closure care, Waste Control Specialists must submit a complete application for a new approval in accordance with the provisions of 40 CFR 761. This Permit Application must include all information required by the TSCA (PCB) rule, and for standards in RCRA, as applicable, to continue treatment, storage, and disposal at the Facility.

(e) Inspection and Entry

The Permittee shall allow the EPA or an authorized representative, upon presenting credentials and other documents, as may be required by law, to:

(i) Enter at reasonable times the Facility and/or the Permittee's premises where a regulated activity is located or conducted, or where records must be kept under the conditions of this Approval;

(ii) Have access to and copy, at reasonable times, any records that must be kept under the conditions of this Approval;

(iii) Inspect at reasonable times any facilities, equipment (including monitoring and control equipment), practices, or operations regulated or required under this Approval; and

(iv) Sample or monitor, at reasonable times, for the purposes of assuring approval compliance or as otherwise authorized by TSCA or RCRA, any substances or parameters at any location.

2. Permit Actions

(a) EPA Modification, Revocation and Reissuance, or Termination of Approval

(i) EPA reserves the right to modify, revoke and reissue, or terminate this Approval:

(a) If Waste Control Specialists fails to operate the Facility in compliance with this Approval;

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

(c) Upon discovering misrepresentation(s) or omission(s) of material fact(s) in Waste Control Specialists Application; or

(d) For environmental civil violations committed by or criminal convictions of Waste Control Specialists, its principles or key employees.

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

(b) Application and Approval Modifications

Waste Control Specialists must submit an application and receive written EPA approval for any minor or major modification to the Waste Control Specialists

Application or to this Approval. Waste Control Specialists must not implement any such modification unless and until written EPA consent is received.

(c) Approval Expiration/Renewal

(i) This Approval shall expire five (5) years from the date of issuance of this Approval. This Approval and its conditions herein may remain in effect beyond the Approval expiration date at the discretion of EPA, if a complete renewal application is received within the time period specified in Condition A.1.(d) and EPA has determined in writing that the application is complete. EPA will issue a letter allowing for expired approval to be administratively continued.

(ii) Waste Control Specialists shall submit a complete renewal application at least 365 days prior to the expiration date of this Approval. A complete renewal application must, at a minimum, include the information required by 40 CFR Part 761 and shall consist of the most recently approved application with appropriate modifications or updates reflecting proposed revisions to the original approval. These may include, as applicable, design and operation changes, updated safety protocols, revised operating and testing procedures, the PCB Waste Analysis Plan, waste acceptance criteria, and financial assurance documentation. The EPA may require Waste Control Specialists to submit additional information to support the renewal of this Approval.

(iii) If Waste Control Specialists does not submit a complete renewal application at least 365 days or as requested by EPA prior to the expiration date of this Approval, this Approval will expire as specified in Condition A(2)(c)(i)

(d) Change in Ownership or Operational Control

(i) Waste Control Specialists shall notify the EPA in writing at least ninety (90) days before it intends to transfer ownership or operational control of the Facility. This notification shall include the name, address, and telephone number of the intended transferee. A copy of this notification shall be sent to the Regional Administrator. Along with such notification, Waste Control Specialists shall submit a new or modified Application providing the information required in all applicable provisions of 40 CFR Part 761, along with a notarized affidavit signed by the intended transferee stating that it will abide by all conditions of the Application, including any proposed modifications submitted in connection with the intended transfer of ownership or operation. Approvals are not transferable; the approval must be modified with new ownership and reissued at the discretion of EPA.

(ii) After receiving Waste Control Specialists' notification and new or modified Application, the intended transferee's affidavit, evidence that the intended transferee has established financial assurance for closure pursuant to 40 CFR

§ 761.65(g) (if applicable), and other documents EPA may require under 40 CFR § 761, EPA may either:

(a) Modify the approval to substitute the transferee's name for Waste Control Specialists and make other conforming minor modifications, or

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

(iii) The intended transferee shall not operate the Facility until the EPA issues approval in the transferee's name.

(iv) Waste Control Specialists must maintain its financial assurance for closure for the Facility until the intended transferee has established financial assurance for closure of the Facility pursuant to 40 CFR § 761.65(g), if applicable, and EPA issues approval in the transferee's name.

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

3. Bankruptcy

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

4. Change in Flood Plain Designation

Waste Control Specialists must submit a written notification to the LCRD Director immediately upon redesignation of the Facility within a 100-year flood plain. EPA may modify, revoke and reissue, or terminate this Approval if EPA determines that the change in flood plain designation, or any change in Facility operations resulting from or associated with such change in flood plain designation, may pose unreasonable risk of injury to health or the environment.

5. Severability

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

6. PCB Wastes Disposal Units, And Storage Areas Authorized

(a) Disposal Units Authorized

The following disposal units are authorized for disposal of PCB wastes (no liquid wastes other than incidental source of liquid specified under 761.60(a)(3) may be disposed in the approved cells). The capacity of each unit is detailed in Attachment A. PCB disposal shall not exceed the permitted design capacity or the operational limits of any landfill unit at any time.

(i) East +West Landfill with a maximum capacity of 2.31×10^6 cubic yards to include 11 disposal cells A through K (Cells A-D are covered and not under post closure care), estimated remaining capacity is 1.95×10^6 cubic yards.

(ii) Federal Facility Waste Disposal Facility (FWF) Cells C1-C3 with a total capacity of 4.0×10^6 cubic yards.

(b) Authorization to Operate Additional Units

For a new landfill cell that has not been constructed or put into use before the effective date of this approval, the Facility shall not commence disposal of PCB waste until the Facility has notified in writing the EPA Region 6 PCB Coordinator and received a written approval authorizing the new cell for PCB disposal. The notification shall include a narrative and detailed as-built engineering drawings of the new cell showing that the new cell(s) meet the TCEQ and TSCA-PCB chemical waste landfill design requirements. The notification shall also include drawings of the placement of groundwater monitoring wells and the depth these wells have been screened to detect contaminants in the upper aquifer zones. A certificate by a registered Professional Engineer shall also be included that the new cell has been constructed in accordance with the design plans.

(c) Facility Expansion

Any modification or expansion in capacity of an approved cell requires that the Facility notify the EPA in writing and receive written approval from the EPA before PCB wastes may be disposed in the cell after the cell has been modified or expanded.

(d) Storage Units Authorized

PCB Storage shall be limited to the following areas:

(i) East+West Landfill Stabilization Building containing tanks: MT-1, MT-2, MT-3, and MT-4

(ii) FWF Decontamination Building

(iii) FWF Waste Staging Building

(iv) Container Storage Building Containments 1 through 10 (CSA-1 through CSA-10)

(v) Bin Storage Unit 1 (BSU-1)

(vi) Stabilization building container storage area (North)

(vii) Stabilization building container storage area (South)

(viii) Decon Building Accumulation Tank (FWF contact water tank)

(ix) Waste Compactor (processing)

(e) Authorization to Operate Additional Storage Areas

For a new PCB storage area, the Facility shall not commence storage of PCBs until the Facility has notified the EPA Region 6 RCRA Permits Section and received a written approval authorizing the new storage area. The notification shall include a description and storage capacity of the new area.

(f) Expansion in Capacity or Size of Authorized Storage Areas:

Any existing storage area modification or expansion in capacity over and above what is authorized in this approval shall require the procedures outlined in V.A.6.e. of these conditions.

7. PCB Marking, Labeling, and Storage for Disposal Limitations

(a) Waste Control Specialists shall label all PCB Containers, PCB storage areas, and PCB Items subject to marking requirements under 40 CFR § 761.40 with the M_L label defined in 40 CFR § 761.45.

(b) Waste Control Specialists shall place a label on all PCB Items with the date of removal from service for disposal. Stationary storage containers for liquid PCBs shall have a record that includes, for each batch of PCBs, the quantity of the batch and date the batch was added to the container. The record shall also include the date, quantity, and disposition of any batch of PCBs removed from the container.

(c) Waste Control Specialists shall not exceed storage for disposal limitations set by 761.65(a)(1). All PCBs and PCB items (excluding PCB/Radioactive, for which exemption is granted under 40CFR (761.65(a)(2)(ii) and (iii)) within 365 days from the date it was determined to be PCB waste and the decision was made to dispose of it. This date is the date of removal from service for disposal and the point at which the 365 days time frame for disposal begins. If additional time is required for disposal, Waste Control Specialists shall comply with the requirements of 40 CFR § 761.65(a)(2) and (3).

8. Storage Requirements for PCBs and PCB Items

(a) Waste Control Specialists shall not stack drums containing PCBs and PCB Items in a manner that could result in a spill outside the storage areas. Drums shall not be stacked more than two (2) drums high.

(b) An aisle width of two (2) feet, minimally, must be maintained to allow for unobstructed access to all PCBs and PCB Items stored on-site by personnel, fire protection equipment, and decontamination equipment.

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

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

(e) Waste Control Specialists must document the PCB content of all incoming inventory to establish compliance with the conditions of this Approval at all times. Sampling and analytical methods must comply with applicable provisions of the PCB Regulations.

(f) If any PCB Container, PCB Article, PCB Article Container, or PCB Equipment is leaking, Waste Control Specialists shall immediately transfer the PCB Container, PCB Article, PCB Article Container, or PCB Equipment and the PCB waste therein to a properly marked, non-leaking container. Any spilled or leaked materials shall immediately be cleaned up and the materials containing PCBs shall be disposed of in accordance with applicable provisions of the PCB Regulations and Condition D.4

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

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

(i) The PCB storage areas shall comply with PCB storage requirements in 40 CFR § 761.65.

(j) All PCB items shall be logged showing date removed from service for disposal and the date the PCB item was sent from storage for disposal. This information shall be provided to EPA upon request.

(k) The design, construction, and operation of the PCB storage area shall comply with the applicable provisions of TCEQ RCRA Permit.

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

9. <u>PCB waste Authorization for Storage and Disposal</u>

(a) PCB Waste Authorizations and Prohibitions

(i) The PCB wastes provided in attachment G may be disposed or stored at the Facility:

(a) non-liquid PCBs regulated for disposal in accordance with 40 CFR § 761.61 and 761.79;

(b) non-liquid PCBs regulated for disposal in accordance with 40 CFR § 761.62;

(c) drained and flushed PCB-Contaminated Transformers pursuant to section 761.60(b)(1)(i)(B)

(d) PCB Fluorescent Light Ballasts in accordance with 40 CFR § §761.60(b)(6)(iii).

(e) PCB Small Capacitors in accordance with 40 CFR § 761.60 (b)(2)(ii); and

(f) Large PCB Capacitors in accordance with 40 CFR §761.60(b)(2) and 761.65(c)(2)- Storage Only

(g) PCB liquids at concentrations <500 parts per million (ppm) that come from incidental sources as described in 40 CFR § 761.60(a)(3) and are treated and or solidified before disposal in an authorized disposal cell.

(h) PCB liquids other than incidental liquids (storage only)

(ii) <u>The following PCB wastes are prohibited from disposal at the Facility</u>

(a) PCB waste other than those allowed in condition V.A (9)(a)(i) and Attachment G

(iii) For disposal of PCB Items listed in condition V.A.9 (a)(ii) above, the Facility or Generator shall inspect each PCB Item at the site of generation or transport and verify that each PCB Item intended for shipment for disposal at the Facility is free from all free-flowing liquids. This information shall be recorded and kept in file at the Facility pursuant to the record keep and retention requirements at 40 C.F.R. § 761.180 (b) and 761.180 (d). The record shall contain the following information:

(a) the name, date, and place of inspection;

(b) the name of the Facility inspector;

(c) a description of each PCB Item inspected, including any serial numbers or markings that discretely identify the PCB Item; and

(d) how the Facility inspector verified that no free-flowing liquids were present in each PCB Item to be disposed.

10. Disposal Unit Design, Construction, and Operation

(a) General Design, Construction, and Operating Requirements

(i) The design, construction, and operation of the PCB disposal areas shall comply with 40 CFR Part 761, Subpart D, 40 CFR § 761.75(b)(1) -(9) (Technical requirements).

(ii) The design, construction and operation of the PCB disposal areas shall also comply with the effective Texas Commission of Environmental Quality (TCEQ) Hazardous Waste (IHW) Permits (Permit No. 50358 and 50397).

(iii) No PCB liquids or items containing PCB liquids may be disposed in the PCB landfill cells.

(iv) Stabilization/solidification of the water containing PCBs shall take place in the stabilization building authorized in condition V.A. 6.d. A representative sample from each batch of solidified waste for disposal shall be collected and pass the Paint Filter Test (EPA Method 9095, SW-846) before the batch may be disposed. A representative sample shall be defined as three aliquots, each taken from a portion of three equally divided areas of the total batch and then composited into one sample. Test results shall be kept on file at the Facility.

(v) The facility shall collect all decontamination water and sediment from the decontamination building into the Decon Building Accumulation Tank and

shall be sampled each time it is emptied, in accordance with Conditions C(i)-C(iv).

(vi) Decontamination water from the FWF Decon Building Tank that is sent to the FWF Contact Water Tanks shall be sampled and, as necessary, treated or processed before transfer to the clean-water holding tank. Water in clean-water holding tank with a PCB concentration greater than 0.5 µg/L (0.5 ppb) shall be shipped off site to an authorized facility for disposal. If PCB-containing water is shipped off site, the facility shall maintain records documenting the date(s), volume(s), transporter, and receiving facility. WCS shall maintain monitoring and discharge records demonstrating continuous compliance with permit conditions.

(vii) Decontamination water with PCB concentrations ≤ 2 mg/L (2 ppm) shall be managed as non-PCB liquid and sent to an appropriate wastewater treatment unit, subject to acceptance by the receiving facility and applicable discharge permits. Decontamination water with PCB concentrations > 2 mg/L (2 ppm) shall be managed as PCB waste and treated, disposed of, or destroyed at facilities permitted under 40 CFR 761, Subpart D.

(viii) The Facility may not dispose of PCB waste in the landfill or any landfill cell if the TCEQ permit for the landfill or any landfill cell becomes invalid, unless the EPA provides written approval to do so.

(ix) All PCB wastes shall be logged showing date removed for disposal and the date the PCB or PCB Item was disposed of in a landfill cell. The location of PCB wastes disposed within the landfill cells shall be recorded and kept on file. This information shall be provided to the EPA upon request.

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

(xi) All transport vehicles owned by the Facility and used for the transport of PCB wastes on public highways shall be properly maintained and inspected, as required by the applicable Department of Transportation regulations. Transporters of PCB waste shall notify the EPA of their PCB waste activities by filing EPA Form 7710-53, “Notification of PCB Activity,” prior to engaging in PCB waste hauling activities.

(xii) The landfill shall be operated in accordance with the TSCA Operation plans presented in Attachments A and B of the permit. Any modification to this

plan shall be submitted to the EPA for review and approval before a new or modified plan may be implemented by the Facility.

(xiii) In any area that reaches final grade elevation and will not receive final cover immediately, the facility shall install and maintain an interim cover comprising not less than two feet of caliche and/or red-bed clay soil as required in RCRA permit (50397-FWP). In any area that reaches final grade elevation and will not receive final cover immediately, the facility shall install and maintain an interim cover comprising not less than one foot of caliche and/or red-bed clay soil as required in RCRA permit (50358- TSDF).

(xiv) The permittee shall place daily cover or otherwise manage the landfill to control wind dispersal of particulate matter.

(b) Water Monitoring Requirements as per 761.75(b)(6)

(i) Samples collected for compliance with this approval shall be analyzed for the parameters listed in 40 CFR § 761.75(b)(6)(iii).

(ii) All water samples shall be analyzed for PCBs. Sampling methods and analytical procedures for the water analysis shall comply with those specified in 40 CFR part 136 as amended in 41 FR 52779 on December 1, 1976. The procedures and methods used shall be recorded along with the data.

(iii) Monitoring wells shall be sampled and analyzed semi-annually for the constituents required in V.A.10.b.(i) and (ii). Any sample result with detectable levels of PCBs shall be reported via email to the EPA Region 6 PCB Coordinator within 5 working days of discovery. The analytical laboratory methods used for PCB analysis shall meet the reporting/quantification limit of 0.5 ppb PCBs.

(c) Sediment Monitoring

The Facility shall conduct sediment monitoring for the onsite outfalls located on the southwest side of the property (outfall numbers: 001 and 002) at least annually, with sampling events spaced no less than six (6) months (40 CFR § 761.75 (c)(3)(ii)). The PCB concentrations in any soil sample or solid sample required by this Approval shall be determined by using:

(i) Appropriate procedures identified by SW-846 Method 3500C (or future EPA updates) for organic extraction and sample preparation.

(ii) Procedures identified by SW-846 Method 3600C (or future EPA updates) for sample extract cleanup, when necessary/appropriate.

(iii) SW-846 Methods 8082A (as updated by EPA) for analytical measurement. The results shall be reported as total PCBs, on a dry weight basis (103-105°C), calculate by comparison to Aroclor standards identified by SW-846 Methods

8082A when Aroclors are present. Identified Aroclors used for calculation of total PCBs also are to be reported. The report shall identify the location where the sample was taken, and the PCB levels detected.

(iv) All sediment sampling results shall be reported to the EPA Region 6 PCB Coordinator via email within 15 working days of discovery. At the end of five (5) years, EPA will reevaluate the sampling results reporting requirements. The analytical laboratory methods used for PCB analysis shall meet the reporting/quantification limit of 1 ppm for PCB.

(d) Leachate Collection and Disposal

(i) Authorized unit:

- FWF contact water tanks (FWF 1 and 2)
- TSDF LTU Tanks (LT-1 and LT-3)

(ii) Authorization to Operate Additional leachate Storage Tanks:

For an additional PCB leachate storage tank, the Facility shall not commence storage of leachate in the new tank until the Facility has notified the EPA Region 6 PCB Coordinator in writing and received a written approval authorizing the new leachate storage tank. The notification shall include detailed engineering description of the leachate storage tank.

(iii) Leachate collected from the leachate collection system shall be stored in the approved LTU and FWF contact water tank(s) listed under condition V.A.10. (d) (i).

(iv) Leachate collection shall comply with the requirements under 40 CFR §761.75(b)(7) and shall be sampled and analyzed as required under 40 CFR §761.75(b)(6)(iii), in addition to those constituents required by the TCEQ. Analytical methods shall follow EPA approved methods and procedures. Results of these analyses and the method used shall be kept on file at the Facility and made available to the EPA upon request. Any sample result with detectable levels of PCBs shall be reported via email to the EPA Region 6 PCB Coordinator within five (5) working days of discovery.

(v) Leachate from TSCA-PCB approved landfill cells (East +west and FWF) shall be sampled prior to mixing with leachate/water from other sources. Dilution to avoid applicability of the TSCA-PCB regulations is prohibited as specified in 40 CFR § 761.1.

(vi) If water from the decontamination building is mixed with FWF leachate, Waste Control Specialists shall notify EPA in writing within thirty (30) days of the mixing event and revise, as appropriate, the TSCA Operations Plan and associated PCB sampling and analysis documentation. The mixed water shall

be managed as a decontamination water in accordance with Condition 10(a)(viii).

(vii) The Facility shall ensure that leachate depth over the primary liner in PCB landfill cells does not exceed one (1) foot.

(viii) Sediment from each leachate tank shall be sampled and analysed each time the tank is cleaned or de-slugged or at least every five (5) years. The PCB concentrations in any soil sample or solid sample required by this Approval shall be determined by using Conditions V.A.10 (c)(i) -(iv).

(e) Run-On Run-off Control Systems

Waste Control Specialists shall comply with the requirements in § 761.75(b)(4)(ii), TSCA permit renewal application and FWF and TSDF engineering reports including:

(i) Operating and maintaining a run-off management system to collect and control storm water volume resulting from a 24-hour, 25-year storm event.

(ii) Operating and maintaining a run-on management system to collect and control storm water volume resulting from a 24-hour, 25-year storm event.

(f) Landfill Closure

(i) Closure of PCB-containing landfill cells shall be conducted in accordance with the facility's closure plan. Any proposed changes to this plan must be submitted to the EPA Region 6 PCB Coordinator for review and written approval prior to implementation. EPA Region 6 reserves the right to require written modifications to ensure compliance with TSCA PCB regulations. Landfill closure shall also comply with the permit conditions specified in the RCRA permit issued by TCEQ.

(ii) Closure of the leachate collection tank(s) shall comply with the facility's Closure Plan. Any substantial changes to the closure plan shall be approved by EPA in writing prior to commencement of closure.

11. <u>PCB Inspection Requirements</u>

(a) PCBs and PCB Items in storage shall be checked for leaks and spills on a daily operating basis (Tuesday through Friday)." Waste Control Specialists need not document the daily inspections; however, any spills discovered during these routine inspections shall be cleaned up no later than 24 hours of its discovery, as specified in Condition D.2 and reported if required by Condition F.3. Records of cleanup and disposal must be maintained in accordance with Condition H.5.

(b) At least once every thirty (30) days, as required by §761.65(c)(5), Waste Control Specialists shall conduct a thorough inspection of all PCB items in storage at the

Facility. The following elements shall be included in the 30-day inspections PCBs and PCB Items in storage shall be checked for leaks and spills;

(i) The PCB Containers, PCB Equipment, and stationary storage containers (tanks), and ancillary equipment (valves, pipelines, etc.,) shall be checked for cracks, leaks or deterioration.

(ii) The condition of PCB liquid and spent solvent storage tank shells, tank supports, and tank area curbing shall be checked for cracks, leaks or deterioration;

(iii) Tank vents, high liquid level alarm systems and liquid level indicators shall be checked to make sure they are operating properly;

(iv) The condition of the floor, joints and curbing in the PCB storage area shall be checked for cracks, damage or deterioration; and

(v) Spill response and emergency equipment as described in the SPCC Plan shall be checked and replaced or replenished as necessary.

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

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

(e) All vehicles owned by the Facility used for the transport of PCBs offsite 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

<u>B. Facility Operation, Limitation of Exposure, and Control of Releases</u>

1. Waste Control Specialists shall maintain and operate the Facility to prevent fire, explosion, releases of PCBs to the environment, and exposure of workers to PCBs.

2. The Waste Control Specialists Facility must be secured to restrict public access (e.g., gates, locks, fences).

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

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

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

(b) Waste Control Specialists shall conduct a demonstration test to prove to EPA's satisfaction that Waste Control Specialists can effectively trap and remove particulate and volatilized PCBs emissions generated from the use of any cutting tool or other device (e.g., torch) used in processing metal surfaces contaminated or coated with PCBs. Any such testing or subsequent operational use of a cutting tool or other device on surfaces contaminated or coated with PCBs requires EPA's prior written approval.

C. Safety Conditions

1. Waste Control Specialists workers with access to PCB storage area wear or use protective clothing or equipment at the Facility to protect against dermal contact with or inhalation of PCBs or material containing PCBs.

2. Waste Control Specialists shall comply with all applicable health and safety standards, as required by federal, state and local regulations, and ordinances.

3. Waste Control Specialists shall comply with the safety provisions of the Waste Control Specialists Application.

4. All employees hired subsequent to the date of this Approval must be trained, within six months after the date of their employment or assignment to a facility. Waste Control Specialists' personnel training program and training schedule included in the Attachment D. In addition, Waste Control Specialists must ensure that personnel who are directly involved with handling PCBs and PCB Items are familiar with the requirements of this Approval, and the regulatory requirements under 40 CFR Part 761.

5. All new workers must complete training in accordance with the Waste Control Specialists training manual prior to entering PCB storage areas. In addition to initial training, all workers with access to PCB storage areas must complete annual refresher training in accordance with the current Waste Control Specialists training manual.

6. The PCB concentration of non-porous surface areas located outside of PCB storage areas shall not exceed 10 µg/100 cm^2 and all porous surface(s) located outside of PCB storage areas shall not exceed 1 ppm. In the event the concentration of PCBs exceeds the levels set forth in conditions C6, Waste Control Specialists shall immediately begin decontamination of the affected area in accordance with applicable requirements of the PCB Regulations and this Approval.

7. WCS shall perform periodic sampling (Quarterly first year after permit issue date and if levels are below stated limits, frequency may be reduced to Annual sampling and remain Annually as long as no limits are exceeded) of food handling areas, including any locations

where food or drink is prepared, stored or consumed and the concentration shall not exceed 1 µg/100 cm2 for non-porous surfaces and 1 ppm for porous surfaces.

8. WCS shall perform periodic sampling (Quarterly first year after permit issue date and if levels are below stated limits, frequency may be reduced to Annual sampling and remain Annually as long as no limits are exceeded) of areas outside of PCB storage areas and the non-porous surface area concentration shall not exceed 10 µg/100 cm2 and all porous surface(s) shall not exceed 1 ppm.

9. In the event the concentration of PCBs exceeds the levels set forth in conditions C7 0r C8 Waste Control Specialists shall immediately begin decontamination of the affected area in accordance with applicable requirements of the PCB Regulations and this Approval. Additionally, the sampling frequency stated in C8 & C9 will revert back to Quarterly sampling frequency for a period of one year before being reduced to Annually as stated.

10. Waste Control Specialists shall not encapsulate any PCB-containing areas regardless of PCB concentration levels without specific prior written approval from EPA.

11. Waste Controls Specialists must report in writing incidences of injury or illness from exposure to PCBs to the Director of LCRD within twenty-four (24) hours of becoming aware of such injury or illness.

D. PCB Spills and Releases

1. Waste Control Specialists shall follow the spill prevention measures outlined in the SPCC Plan and implement applicable control measures specified in the SPCC Plan for qualifying spill events.

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

3. Waste Control Specialists shall comply with applicable PCB spill reporting requirements under 40 CFR § 761.125; the Clean Water Act; and the Comprehensive Environmental Response Compensation and Liability Act. Notification to the EPA Regional Office of any PCB spill or release as required under 40 CFR § 761.125 shall be made to the Director of LCRD. A written report of the reportable spill incident under 40 CFR § 761.125 must be submitted to the Director of LCRD within five (5) business days following the incident.

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

5. Waste Control Specialists shall immediately report to the Director of LCRD if, as a result of any unauthorized entry or operation at the Facility, PCBs were released. To the extent known, such report shall include a description of the unauthorized entry or operation, the resulting release of PCBs, and any corrective action taken by Waste Control Specialists. Examples of unauthorized entry or operation at the Facility to be reported to EPA include,

but are not limited to, tampering, destruction, or loss at the Facility which caused the release of PCBs.

E. Emergency Provisions

1. Waste Control Specialists shall follow the SPCC Plan that was submitted and approved as part of the Waste Control Specialists Application whenever there is a fire, explosion, or release of PCBs or hazardous constituents. The SPCC plan must include contingency and/or emergency procedures, as applicable

2. Copies of the updated Waste Control Specialists training manual, SPCC Plan, and this Approval shall be maintained and made available to all workers at the Waste Control Specialists Facility. Lists of emergency contacts, telephone numbers, and emergency exit routes shall be posted in prominent locations throughout the Facility.

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

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

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

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

    (d) water at adequate volume and pressure to supply fire hose streams or foam equipment.

4. Waste Control Specialists shall test and maintain the equipment specified in Condition E3 above in accordance with the manufacturer's recommendations to ensure proper operation in time of emergency. In the event any of the emergency response equipment specified above was manufactured by Waste Control Specialists, Waste Control Specialists shall establish and follow a testing and maintenance plan for those manufactured items.

5. Whenever PCBs are being poured, mixed, or otherwise handled, Waste Control Specialists shall ensure that all workers involved in the operation will have immediate access to an internal alarm or emergency communication device, either directly or through visual or voice contact with another worker.

6. At all times, there shall be at least one (1) worker present at the Waste Control Specialists Facility or on call with the responsibility for coordinating all emergency response measures. This worker shall have immediate access to the entire Facility and to a device, such as a telephone or a hand-held two-way radio, immediately available at the scene of operation capable of summoning external emergency assistance. This worker must have the authority to commit the resources needed to carry out contingency measures of this Approval, the

Waste Control Specialists Application, or the PCB Regulations, or that are otherwise appropriate.

7. Within thirty (30) calendar days from the initial issuance of this Approval, Waste Control Specialists shall provide a written description of storage activities, stored materials, and emergency procedures, as described in the Waste Control Specialists Application, to local police departments, hospitals, and state and local emergency response teams that may be called upon to provide emergency services and shall provide updates of the written description as necessary.

8. Waste Control Specialists shall review and promptly modify, if necessary, the SPCC Plan whenever:

   (a) such plan fails in an emergency;

   (b) Waste Control Specialists changes the Facility's design, construction, operation, maintenance, or emergency response policies;

   (c) a circumstance arises that materially increases the potential for fires, explosions, or releases of PCBs or hazardous constituents;

   (d) the list of emergency coordinators changes;

   (e) the list of emergency equipment changes;

   (f) a revision is warranted to prevent an unreasonable risk of injury to health and the environment; or

   (g) EPA determines that a revision to such plan is necessary.

   Waste Control Specialists shall submit proposed modifications, whether minor or major, to its SPCC Plan to EPA in the form of a modified application and shall not implement such modifications until it receives written EPA approval.

F. Recordkeeping and Reporting

1. Waste Control Specialists shall comply with all applicable recordkeeping and reporting requirements of the PCB Regulations, including but not limited to, annual records, annual document logs, and annual reports as required by § 761.180.

2. Waste Control Specialists shall maintain monthly records of storage inventories which are sufficient to determine compliance with the Maximum Storage Capacity (MSC) and related requirements for PCBs and PCB Items.

3. Waste Control Specialists shall maintain daily records of storage inventories which are sufficient to determine compliance with the MSC and related requirements for Non-PCBs and Non-PCB Items.

4. Waste Control Specialists must maintain records demonstrating compliance with the requirements of 40 CFR § 761.180(a) and (b) and the following requirements of this Approval:

    (a) the documentation of PCB content, sampling and analytical testing requirements of Condition V.A.8 (e);

    (b) the inspection requirements of Condition V.A.11(b), which shall be in the form of inspection records;

    (c) the cleanup and disposal requirements of Conditions V.A.8.11(a) and (c), D.2 and D.4 ;

    (d) the repair requirements of Condition V.A.11(d);

    (e) the worker training requirements of Conditions C.4 and C.5. which shall include the name and title of the individual, the date(s) of the training, and a signature sheet or online certificate certifying that the signatory completed training in accordance with the Waste Control Specialists training manual on the date specified;

    (f) the detection of exceedance(s) and decontamination requirements under Conditions C.6, C7, or C.8

    (g) the spill requirements of Conditions D.1 and D.2;

    (h) the reporting requirement of Condition D.3, which shall include the items, and certification, if applicable, required under 40 CFR § 761.125;

    (i) the disposal requirement of Condition D.4;

    (j) the equipment maintenance and testing requirements of Condition E.4; and

    (k) the emergency responder notification requirements of Condition E.7; and

    (l) All recordkeeping and records that require certification must include the following statement as per § 761.3:

    "Under civil and criminal penalties of law for the making or submission of false or fraudulent statements or representations (18 U.S.C. 1001 and 15 U.S.C. 2615), I certify that the information contained in or accompanying this document is true, accurate, and complete. As to the identified section(s) of this document for which I cannot personally verify truth and accuracy, I certify as the company official having supervisory responsibility for the persons who, acting under my direct instructions, made the verification that this information is true, accurate, and complete."

G. Reservation of Rights

1. 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.

2. EPA reserves the right to modify (including by imposing additional conditions), revoke and reissue, or terminate this Approval when any of the following circumstances exist:

    (a) EPA has reason to believe the approved activities are not achieving the relevant standards or goals or otherwise are not in compliance with the Approval.

    (b) EPA has reason to believe the approved activities present or may present an unreasonable risk of injury to health or the environment;

    (c) EPA becomes aware of new or previously undisclosed information that may substantively impact its previous finding of no unreasonable risk and require modifications to this Approval; or

    (d) EPA issues new regulations or standards that impact conditions of this Approval.

3. When any of the circumstances described above exist, EPA reserves the right to require the facility to provide additional information relevant to the Agency's determination whether to modify, revoke and reissue, or terminate the Approval. This may include information to inform EPA's finding that the approved activity does not present an unreasonable risk of injury to health or the environment.

H. Manifest Requirements

1. Waste Control Specialists shall comply with the manifest requirements in 40 CFR Part 761, Subpart K, as applicable.

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

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

    (a) exact date, place, and time of each sample collected;

    (b) volume of each sample collected;

    (c) name of person collecting each sample;

    (d) name of analyst;

(e) date and time of analysis;

(f) the analytical techniques or methods used for each sample;

(g) the analytical results including chromatographs, calculations, and other raw data;

(h) calibration records and maintenance records of sampling equipment and analytical instrumentation; and,

(i) records of quality assurance/quality control activities.

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

5. All records required to be maintained by the PCB Regulations and/or this Approval shall be maintained at one centralized location at the Waste Control Specialists Facility and shall be made available for inspection by EPA authorized representatives. When Waste Control Specialists ceases operations, all such records shall be made available to EPA at the Waste Control Specialists Facility for a period of at least five (5) years following cessation of operations. If Waste Control Specialists is unable to comply with this condition because it is no longer in control of the site, it shall comply by making such records available at an alternative location proposed by Waste Control Specialists and approved by EPA in writing.

6. All reports, notifications and other information requested to be provided to the EPA shall be signed by a Waste Control Specialists representative or by the Waste Control Specialists Environmental and Safety Manager.

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

   PCB Coordinator
   U.S. Environmental Protection Agency, Region 6
   1201 Elm St.
   Suite 500 (LCRRP)
   Dallas, TX 75270

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

I. Waste Analysis Plan

(a) Waste Characterization and Acceptance

Waste Control Specialists shall require generators to submit a PCB non-hazardous waste profile along with waste shipments. Waste Control Specialists require generators to analyze PCB non-hazardous waste every two years to recertify waste profiles (40 CFR § 761.75(c)(3)(ii)). Waste Control Specialists shall follow the waste acceptance plan. Generally accepted generators profiles are listed in Attachment E. Waste Control Specialists will comply with SOP used by the lab for analysing the PCBs.

J. Closure and Financial Assurance

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

   (a) funding in accordance with the approved closure plan listed in Condition I.2.; and

   (b) compensating others for bodily injury and property damage caused by accidents arising from operations of the Facility.

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

3. Waste Control Specialists has demonstrated financial assurance for closure of the Waste Control Specialists Facility as required by 40 CFR § 761.65(g). Waste Control Specialists may not modify its mechanism for financial assurance without prior written approval from EPA. Waste Control Specialists shall submit proposed changes to its financial assurance mechanism to the Director of LCRD and shall not implement such modification until it receives written EPA approval.

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

5. Waste Control Specialists shall modify the Closure Plan and Closure Cost Estimate whenever any changes in ownership, operating plans, maximum storage capacity or facility design

affect the Closure Plan; whenever there is a change in the expected year of closure; or whenever unexpected events during closure require modification. If Waste Control Specialists becomes aware of information indicating that the estimated costs associated with performing closure of the Waste Control Specialists Facility may exceed the current Closure Cost Estimate approved by EPA, Waste Control Specialists shall modify the Closure Plan and/or Closure Cost Estimate, as appropriate. Waste Control Specialists shall submit proposed modifications to its Closure Plan and/or Closure Cost Estimate to EPA in the form of a modified application and shall not implement such modifications until it receives written EPA approval. Waste Control Specialists shall base modifications to Closure Cost Estimates on maximum cost conditions, as specified in 40 CFR § 761.65(f)(i) - (iv), and shall submit them to EPA with a "certification," as defined in 40 CFR § 761.3.

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

7. When an EPA-approved modification to the Facility increases the maximum storage capacity, Waste Control Specialists shall notify the EPA in writing no later than thirty (30) days after the completion of the modification and either establish a new, or amend the existing, financial assurance mechanism. The new or amended financial assurance mechanism must be established and activated no later than thirty (30) days after notification of the completion of the modification. Waste Control Specialists shall not use the modified portion of the Facility until the EPA has approved the new or amended financial assurance mechanism.

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

9. Waste Control Specialists shall notify the Regional Administrator or his or her delegate in writing at least sixty (60) days prior to the date it expects to begin closure. The date Waste Control Specialists "expects to begin closure" shall be no later than thirty (30) days after the date on which Waste Control Specialists receives its final quantities of PCB waste for storage.

10. In accordance with Waste Control Specialists' approved closure plan, Waste Control Specialists shall remove all PCB waste in storage at Waste Control Specialists Facility within ninety (90) days after receiving the final quantity of PCB waste for storage and shall complete closure activities within 180 days after receiving the final quantity of PCB waste for storage.

11. Upon termination of the operation, Waste Control Specialists shall proceed according to the provisions of the Closure Plan submitted to and approved by EPA. As used in this paragraph,

"termination of the operation" includes voluntary cessation of operations and cessation of operations required by expiration, termination, or revocation of this Approval.

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

13. If PCB waste is removed from the storage facility during closure, Waste Control Specialists will become a generator of PCB waste subject to the generator requirements of 40 CFR part 761, Subpart J.

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

15. Waste Control Specialists shall submit to the Director of LCRD a revised Closure Plan reflecting current conditions at the Facility at least 180 days prior to the anticipated beginning of closure activities. The revised Closure Plan must be approved in writing by EPA prior to implementation.

Waste Control Specialists may petition EPA for permission to forgo submittal of a revised Closure Plan at least 180 days prior to the anticipated beginning of closure activities. In that petition, Waste Control Specialists shall demonstrate that there have been no significant changes to the conditions at the Facility that would warrant revisions to the Closure Plan. The requirement to submit a revised Closure Plan at least 180 days prior to the anticipated beginning of closure activities will only be waived upon a written notification from EPA to Waste Control Specialists granting the petition.

VI. DECISION TO APPROVE [WASTE CONTROL SPECIALISTS'] APPLICATION

As described more fully in the technical support document for this Approval, EPA has determined that the criteria for approval have been met. Specifically, the Application demonstrates that Waste Control Specialists' storage facility, storage capacity, employee qualifications, closure plan, and financial assurance for closure satisfy applicable requirements and that operation of the storage facility, when conducted in accordance with the conditions of this Approval and all applicable provisions of the PCB regulations, will not pose an unreasonable risk of injury to health or the environment. EPA approves the Waste Control Specialists Application PCBs and PCB Items for disposal at the Waste Control Specialists Facility.

This Approval shall become effective the date the Director of LCRD, acting on Waste Control Specialists' application, signs it and shall expire 5 years from such date, unless revoked, terminated, or administratively continued, in accordance with the conditions of this Approval, or unless otherwise

authorized under applicable law. This Approval supersedes all previous Approvals for the commercial storage and disposal of PCB waste at the Facility issued by EPA to Waste Control Specialists.

This Approval does not relieve Waste Control Specialists from compliance with all applicable federal, state, and local regulatory requirements, including the federal PCB regulations at 40 CFR Part 761.

EPA's determinations are documented in this Approval.

Attachments:

Attachment A - Permitted unit and the Capacity
Attachment B - Diagrams of Approved Facility
Attachment C - Closure Plan (confidential)
Attachment D - Training Plan (confidential)
Attachment E - Acceptable PCB Waste (confidential)
(Includes waste profile approval process, waste acceptance plan, lab SOP for PCB analysis, etc.)
Attachment F - SPCC Plan (confidential)
Attachment G - Waste Managed at the Facility
Attachment H - Engineering Reports
Attachment I - TSDF and FWF Operation Plans