Proposed Approval for Commercial Storage of Polychlorinated Biphenyls

Veolia Environmental Services Technical Solutions, L.L.C.

Phoenix, Arizona

EPA ID: AZ0000337360

Issued by
EPA Region 9
San Francisco, California

June 11, 2015

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION IX
75 Hawthorne Street
San Francisco, CA 94105

June 11, 2015
PROPOSED APPROVAL FOR A TOXIC SUBSTANCES CONTROL ACT POLYCHLORINATED BIPHENYLS COMMERCIAL STORAGE FACILITY

FACILITY: Veolia
EPA ID Number: AZ0000337360

The United States Environmental Protection Agency, Region 9 (EPA) is proposing to renew and modify a Toxic Substances Control Act (TSCA) Approval issued to Veolia Environmental Services Technical Solutions, L.L.C. (Veolia), as site operator to continue to operate a commercial storage facility for polychlorinated biphenyls (PCB), located at 5736 West Jefferson Street in Phoenix, Maricopa County, Arizona (Facility) (see Figure 1, Veolia Site Vicinity Map; and Figure 2, Veolia Site Boundary). This proposed Approval would be issued pursuant to Section 6(e)(1) of TSCA of 1976, 15 U.S.C. § 2605(e)(1), and 40 C.F.R. § 761[1], including any amendments or revisions thereto. This proposed Approval authorizes Veolia to store PCB wastes at their Facility.

If issued, Veolia shall comply with and operate the Facility in accordance with (1) all terms and conditions of this proposed Approval as stated herein, (2) documents incorporated by reference into this proposed Approval, and (3) the PCB regulations at 40 C.F.R. Part 761, including any future modifications thereto. All terms and conditions of this proposed Approval are severable. If any provision of this proposed Approval is determined to be invalid, Veolia shall be subject to all remaining conditions.

The conditions in this proposed Approval are based on the EPA-approved renewal application, prepared by URS Corporation on behalf of Veolia, titled "*TSCA Section 6(e) PCB Commercial Storage Renewal Application, Revision 10*" revised in June 2015 (Renewal Application). Inaccuracies found in the written information provided by Veolia as part of its Renewal Application may be grounds for the termination or modification of this proposed Approval.

Veolia is currently operating under an Approval to manage PCB wastes issued by EPA on December 15, 1994 (1994 Approval). This document can be found in Appendix A. The 1994

[1] The EPA Administrator delegated authority to issue Approvals under TSCA to the Regional Administrator of Region 9 by EPA Delegation Order 12-5 issued on January 9, 2008. The Regional Administrator further delegated authority to issue Approval to the Director of the Land Division (modified from Waste Management Division) by EPA Regional Order R9-12-5 issued on October 10, 2014.

Approval was issued to Salesco Systems USA, Inc. (Salesco), and expired on December 31, 1999. In May 2000, Salesco sold its assets, including the Facility, to Superior Special Services, Inc. (SSS). On January 1, 2003, SSS changed its name to Onyx Special Services Inc. (OSS). On January 1, 2005, OSS changed its name to Onyx Environmental Services, L.L.C. (OES). On July 1, 2006, OES officially changed its name to Veolia.

Applications to renew the 1994 Approval were submitted by: Salesco in December 1999; SSS in September 2001; OSS in April 2003 and April 2004; OES in October 2005; and Veolia in 2009. Veolia submitted subsequent revisions in 2010, 2011, 2012, and 2013. The revisions were later superseded by Veolia's Renewal Application, Revision 10, dated June 2015 (Appendix B). Veolia shall continue to operate under the 1994 Approval until EPA makes a final decision on the Renewal Application.

This proposed Approval, subject to its terms and conditions, authorizes Veolia to store and process PCB waste at the Facility, for subsequent off-site disposal, in the following designated units:

Approved PCB Units and Maximum Capacities

Unit Name	Maximum Unit Storage Capacity	Maximum Total Storage Capacity
Building 2 Storage Pod	41.59 cubic yards (8,400 gallons)	218 cubic yards (44,190 gallons)
Building 2 Curbed Storage Area	20.79 cubic yards (4,200 gallons)	
Building 3 Curbed Storage & Processing Area	228.76 cubic yards (46,200 gallons)	
Building 4 Storage Pod	16 cubic yards (3,232 gallons)	

*The Maximum Total Storage Capacity is less than the sum of the storage capacities of each unit.

The volume of PCBs stored within each unit shall not exceed the maximum unit storage capacity. The volume of PCBs stored at the Facility shall not exceed the maximum total storage capacity.

The units at the Facility being approved under TSCA for storage and processing of PCBs are depicted in Figure 3, PCB Storage and Processing Areas.

Other TSCA PCB waste management activities authorized by this proposed Approval include, but are not limited to:

- Transitory storage of PCBs in the receiving area in Building 2;
- Donning and removal of personal protective equipment (PPE) in a designated personnel decontamination station in Building 3; and
- Decontamination of non-porous surfaces recovered from electrical equipment

containing PCBs.

EPA has determined that the management of PCBs at this Facility does not pose an unreasonable risk of injury to human health or the environment. EPA's determination is documented in the Statement of Basis dated June 11, 2015.

If issued, this proposed Approval would be effective immediately upon signature and would remain in effect for 10 years from the date of signature, unless modified, renewed, suspended or terminated in accordance with 40 C.F.R. Part 761 or the proposed Approval conditions herein. Any amendments to this proposed Approval or to the incorporated supporting plans are subject to the modification requirements contained in Section VII.A of this document. If Veolia wishes to continue an activity allowed by this proposed Approval after the expiration date, Veolia shall submit a complete application for renewal to EPA at least 180 days, but not more than 270 days, prior to the expiration date (see Section VII.E). EPA may require the submission of additional information in connection with any renewal application. If Veolia does not intend to seek a renewal of this proposed Approval after the expiration date, Veolia shall submit to EPA at least 180 days, but not more than 270 days, prior to the expiration date, a revised Closure Plan to initiate the closure process for the Facility (see Section VII.E).

This proposed Approval does not relieve Veolia from compliance with all applicable federal, state and local regulatory requirements.

_____ _____

Jeff Scott Date
Director
Land Division

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I. Introduction

The Veolia Environmental Services Technical Solutions, L.L.C. facility (Veolia), located at 5736 West Jefferson Street in Phoenix, Maricopa County, Arizona (Facility), is currently managing polychlorinated biphenyl (PCB) waste under the *Commercial PCB Storage and Lighting Ballast Recycling Approval EPA ID AZD 983473539* issued by the United States Environmental Protection Agency, Region 9 (EPA) on December 15, 1994 (1994 Approval). The 1994 Approval was 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. § 761. A copy of the 1994 Approval is presented in Appendix A.

The 1994 Approval was issued to Salesco Systems USA, Inc. Arizona (Salesco). In May 2000, Salesco sold its assets to Superior Special Services, Inc. (SSS). On January 1, 2003, SSS changed its name to Onyx Special Services Inc. (OSS). On January 1, 2005, the Facility ownership was transferred from OSS to Onyx Environmental Services, L.L.C. (OES). On July 1, 2006, OES changed its name to Veolia.

The 1994 Approval expired on December 31, 1999. In December 1999, Salesco submitted an application to renew the 1994 Approval prior to its expiration. Applications and subsequent revisions were also submitted by the following:

- SSS in September 2001;
- OSS in April 2003 and April 2004;
- OES in October 2005; and
- Veolia in June 2009, July 2010, April 2011, November 2012, and April 2013.

These revisions were superseded by the *TSCA Section 6(e) PCB Commercial Storage Renewal Application, Revision 10*, dated June 2015 (Renewal Application). A copy of the Renewal Application is presented in Appendix B. EPA has evaluated the Renewal Application and is proposing to issue this TSCA Approval to Veolia. Veolia shall continue to operate under the 1994 Approval (Appendix A) until EPA makes a final decision on the Renewal Application (Appendix B).

Based on its review of the most recent submittal of the Renewal Application (Appendix B); responses and supplemental materials submitted as a result of Notice of Deficiency (NOD) #1 dated August 17, 2009, NOD #2 dated January 4, 2011, NOD #3 dated April 13, 2012, and NOD #4 dated August 28, 2014 (Appendix C); inspections and resolution of the latest notice of violation (Appendix D); results of the biological opinion in accordance with the Endangered Species Act (Appendix E); EPA's outreach to tribal leaders that concluded that no culturally significant or religious sites are affected by this undertaking in accordance with the National Historical Preservation Act (Appendix F); and EPA site visits

including the latest ones conducted on August 3, 2012, September 19, 2012, and December 4, 2012, EPA has determined that the management of PCBs at this Facility does not pose an unreasonable risk of injury to human health or the environment. EPA's determination is documented in the Statement of Basis dated June 11, 2015.

II. Facility Description

A. Background

The Facility began waste handling operations in 1991. Salesco initiated waste reduction and recycling activities at the Facility in October 1991. Salesco was issued the initial TSCA Approval for PCB-related operations in 1994. Salesco conducted similar waste management activities that currently take place at Veolia. Ballast processing, which involves disassembly of PCB-containing ballasts, also took place at the Facility beginning in 1994. PCB ballast processing no longer takes place at the Facility; however, Veolia may still receive and store PCB and non-PCB ballasts within areas designated for PCB storage. These ballasts are transported off-site for disposal.

B. Facility Activities

The Facility conducts the following PCB activities: receipt; storage; manifest management; recordkeeping; transportation; processing (which essentially involves draining and taking apart equipment containing PCBs); recovering the metal parts and decontaminating them to unrestricted use levels; and shipping metals and waste/unrecoverable components off-site for recycling or disposal, respectively.

The Facility boundary consists of 2.67 acres (Figure 2), and contains the following features:

- Buildings 1, 2, 3, and 4, which are approximately 8,336 square feet (ft^2), 8,036 ft^2, 8,336 ft^2, and 8,036 ft^2, respectively; and
- An approximately 990 ft^2 hazardous waste storage building on the northwest corner of the property.

TSCA activities at the Facility currently take place in Buildings 2, 3, and 4 (see Figure 3).

C. Facility Location

Veolia is located at 5736 West Jefferson Street, in Phoenix, Arizona. The Facility is located at approximately -112°12'01" west longitude and 33°26'46" north latitude in the southwest quarter of the northwest quarter of Section 8, Township 1 North, Range 2 East of the Gila

and Salt River Base and Meridian. The Facility is approximately six miles west of downtown Phoenix and one mile south of Interstate 10 (I-10), as depicted in Figure 1.

The Facility is within the Industrial Westgate Center, which began development in 1984. The property is currently zoned by the City of Phoenix as A-1: Light Industrial, and is predominantly surrounded by other industrial facilities.

D. Non-TSCA Activities

Hazardous waste activities conducted at the Facility are permitted under the Resource Conservation and Recovery Act (RCRA), and primarily involve managing mercury-containing waste. RCRA-permitted activities are overseen by the Arizona Department of Environmental Quality (ADEQ). RCRA materials and activities are primarily housed in Building 1 and the hazardous waste storage building (located north of Building 1). Veolia is currently conducting RCRA-regulated activities under the Arizona Hazardous Waste Management Act Permit Approval Form, effective on December 12, 2006 (RCRA Permit), issued by ADEQ. The RCRA Permit is effective for ten years from the issuance date.

III. Scope and Limitations of Approval

A. This proposed Approval designates Veolia as the Operator of the Facility. Before any change of Owner or Operator occurs, Veolia shall follow the applicable modification procedures in Section VII.

B. This proposed Approval covers the storage and processing for disposal of PCB wastes at the following units of the Facility: (1) storage of PCBs and PCB Items in Building 2; (2) storage and processing of PCBs and PCB Items in Building 3; and (3) storage of PCBs and PCB Items in Building 4.

C. Compliance with the terms and conditions of this proposed Approval does not establish a defense to any claim that this Facility presents a risk to human health and the environment.

IV. General Approval Conditions

A. Approval Compliance

1. Veolia shall comply with and operate the Facility in accordance with the conditions stated herein and the federal PCB regulations at 40 C.F.R. Part 761, including any future modifications to those regulations.

2. Documents referenced in this proposed Approval are fully incorporated by reference into the proposed Approval and are fully enforceable under the proposed Approval.

3. Veolia must receive prior written authorization from EPA for any departure from the conditions stated herein, modifications of this proposed Approval, or revisions of the documents incorporated into this proposed Approval. Any unauthorized departure from the conditions of this proposed Approval is a violation of the terms of the proposed Approval and may subject Veolia to enforcement action under TSCA.
4. This proposed Approval is binding upon Veolia as the Operator of the Facility. Veolia is responsible for the actions of all Veolia employees, agents, and contractors who are involved in the operation of the Facility.
5. Any action of a Veolia employee, agent or contractor who is involved in the operation of the Facility will be considered an action of Veolia for purposes of compliance with this proposed Approval.
6. Failure to comply with any condition of this proposed Approval is a prohibited act under TSCA Section 15(1), 15 U.S.C. § 2614(1).

B. General Requirements

1. This proposed Approval supersedes the 1994 Approval issued by EPA for management of PCBs at the Facility (Appendix A).
2. Notwithstanding the terms of this proposed Approval, Veolia shall 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 (OSHA).
3. A responsible official for Veolia shall certify any written information submitted to EPA required under this proposed Approval by using the certification statement found at 40 C.F.R. § 761.3. Unless otherwise required by TSCA, all submissions (including correspondence, reports, and records) required under this proposed Approval shall be sent in writing to the following address:

   Manager, Permits Section (Attn: LND-4-2)
   Land Division
   U.S. Environmental Protection Agency - Region 9
   75 Hawthorne Street
   San Francisco, CA 94105

4. All terms and/or conditions of this proposed Approval are severable. If any provision of this proposed Approval is determined to be invalid, Veolia shall still be subject to the remaining conditions as appropriate based on the applicability of those conditions.

5. Veolia shall comply with all relevant TSCA requirements, whether or not they are included in this proposed Approval. Veolia shall also be subject to any new TSCA requirements that take effect or are modified following issuance of this proposed Approval.

6. Veolia shall provide upon request any information that the EPA deems necessary to determine whether cause exists for modification, suspension, revocation, or termination of this proposed Approval. Failure to provide the above- mentioned information within such reasonable time as agreed to by both parties, shall be deemed a violation of this proposed Approval unless EPA determines that additional time is warranted.

7. Veolia shall not avoid any otherwise applicable provision of this proposed Approval or TSCA by diluting PCBs, unless specifically allowed by the TSCA regulations [40 C.F.R. § 761.1(b)(5)].

8. Veolia shall at all times, maintain and update as needed, a closure plan for all PCB storage and processing units that identifies 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. Veolia's current PCB Closure Plan is located in Appendix E of the Renewal Application (Appendix B). The PCB Closure Plan and any future revisions made to it shall, at a minimum, meet the most up-to-date requirements of 40 C.F.R. § 761.65(e)(1)(i)-(vii) for each PCB unit at the Facility [40 C.F.R. § 761.65(e)].

C. General PCB Waste Management

1. Veolia shall send TSCA-regulated PCB liquids, including liquids generated at the Facility during any PCB processing, which includes draining or flushing activities, to an incinerator approved by EPA under 40 C.F.R. § 761.70. The sole exception to this condition is that Veolia may dispose of PCB Small Capacitors as municipal solid waste [40 C.F.R. § 761.60(b)(2)(ii)].

2. Veolia shall not solidify PCB liquid waste, except PCB liquids from incidental sources as specified in 40 C.F.R. § 761.60(a)(3), into non-liquid PCBs, unless approval is received through the modification procedures of Condition VII.A.

D. Waste Management

1. Veolia shall implement the waste acceptance procedures as specified in Section D.1.2 of Appendix D, of the Renewal Application (Appendix B). This includes the following activities:

    i. Inspection of each shipment of incoming PCB materials and verifying against the waste profile;

ii. Off-loading PCBs and PCB Items and staging them in designated receiving or storage areas for visual inspection;

iii. Weighing the PCBs or PCB Items;

iv. Entering information into Veolia's waste tracking system; and

v. Labeling and moving PCBs or PCB Items to the proper designated storage unit [40 C.F.R. § 761.65(d)(4)(iv)].

2. For all PCB shipments for off-site disposal, Veolia must either include analytical data with the waste profile or assume that the waste is regulated under TSCA [40 C.F.R. § 761.65(d)(4)(iv)].

E. Personnel Training

1. All Veolia employees must complete and renew annually the appropriate OSHA Hazardous Waste Operations and Emergency Response (HAZWOPER) training program (8-hours for non-hazardous waste operations employees, 24 hours for hazardous waste operations employees, and 40 hours for hazardous waste emergency response employees). A signature sheet must be included as a part of each employee's training record to verify participation in the training program [40 C.F.R. § 761.65(d)(4)(iv)].

F. Health and Safety Requirements

1. Veolia shall at all times follow applicable parts of the most current version of the Corporate Health and Safety Program [40 C.F.R. § 761.65(d)(4)(iv)].

2. Veolia shall conduct all PCB related work at the Facility in accordance with the regulations and guidelines contained in:

i. OSHA Title 29 C.F.R. § 1910 "Safety and Health Regulations for General Industry";

ii. OSHA Title 29 C.F.R. § 1926 "Safety and Health Regulations for Construction"; and

iii. OSHA Title 29 C.F.R. § 1926.65 "Hazardous Waste Operations and Emergency Response" [40 C.F.R. § 761.65(d)(4)(iv)].

3. Veolia shall ensure that its personnel handling PCB waste use and are trained in the use of appropriate personal protective equipment (PPE) [40 C.F.R. § 761.60(b)(8) and 40 C.F.R. § 761.79(e)(2)].

G. Emergency Preparedness and Spill Cleanup

1. Veolia shall cleanup and adequately manage any and all fresh spills of PCBs (release within 72 hours) at the Facility in accordance with 40 C.F.R. Subpart G -

PCB Spill Cleanup Policy [40 C.F.R. Part 761, 40 C.F.R. § 761.61 and 40 C.F.R. § 761.79].

2. Veolia shall conduct emergency response procedures and spill prevention and cleanup procedures at the Facility in accordance with the Spill Prevention Control and Countermeasure (SPCC) Plan, located in Appendix D, Attachment D-2 of the Renewal Application (Appendix B) [40 C.F.R. § 761.65(d)(4)(iv)].

3. In the event of a release, fire, or explosion that requires external emergency response, Veolia shall immediately notify emergency responders about the presence of PCB waste at the Facility. This notification shall include information about the location, approximate quantity, and current condition of the PCB waste, as well as the toxicity hazards associated with PCBs [40 C.F.R. § 761.65(d)(4)(iv)].

4. Veolia shall orally report to EPA any incident involving PCBs at the Facility requiring implementation of the SPCC Plan. Oral notification shall be made to:

   Manager, Permits Section (Attn: LND-4-2)
   Land Division
   U.S. Environmental Protection Agency - Region 9
   75 Hawthorne Street
   San Francisco, CA 94105

   Main EPA Phone Line: 415-972-3000

   The oral notification shall occur as soon as possible after Veolia becomes aware of the incident, but no later than 24 hours after the incident. If requested by EPA, Veolia may also be required to submit a written report providing details on the incident [40 C.F.R. § 761.65(d)(4)(iv)]

5. Veolia must return to compliance with the following items before operations are resumed in areas of the Facility affected by an incident requiring implementation of the spill cleanup procedures described in the SPCC Plan:

   i. All emergency equipment used in response to the PCB spill must be cleaned and fit for usage after the incident is addressed. In this case, Veolia may substitute equivalent emergency equipment in the affected area while repairing, replacing or recharging used emergency response equipment; and

   ii. Corrective measures shall be implemented to prevent reoccurrence of the incident [40 C.F.R. § 761.65(d)(4)(iv)].

6. In the event that Veolia believes, or has reason to believe, that quantities of PCBs equal to or greater than one pound have been released into the environment as a result of Facility operations, Veolia shall immediately notify the National Response

Center by telephone at (800) 424-8802 within 24 hours after discovery. A full investigation into the cause of the incident and a detailed report shall be included in the daily operation records. A copy of this report describing the incident shall be submitted to EPA within 15 days after the incident [40 C.F.R. § 302 and 40 C.F.R. § 761.65(d)(4)(iv)].

In the event that Veolia believes, or has reason to believe, that quantities of PCBs equal to or greater than 10 pounds have been released into the environment as a result of Facility operations, Veolia shall immediately orally notify EPA, and proceed to decontaminate the spill area in accordance with 40 C.F.R. 761 Subpart G – PCB Spill Cleanup Policy in the shortest possible time after discovery, but in no case later than 24 hours after discovery [40 C.F.R. § 761.125 (a)(1)(iii)]. Oral notification shall be made to:

Manager, Permits Section (Attn: LND-4-2)
Land Division
U.S. Environmental Protection Agency - Region 9
75 Hawthorne Street
San Francisco, CA 94105

7. Veolia shall provide updated information regarding the PCB operations at the Facility, stored materials, contingency plans, and emergency procedures to local police departments, hospitals, and state and local emergency response teams that may be called upon to provide emergency service [40 C.F.R. § 761.65(d)(4)(iv)].
8. Veolia shall maintain a copy of the Facility Operating Plan, Appendix D of the Renewal Application (Appendix B) and any revisions to these plans at the Facility. Once issued, a copy of the final Approval shall also be maintained at the Facility [40 C.F.R. § 761.65(d)(4)(iv)].
9. Lists of emergency contacts, telephone numbers, and designated emergency exit routes shall be posted in prominent locations throughout the Facility [40 C.F.R. § 761.65(d)(4)(iv)].
10. The Facility shall, at a minimum, be equipped with the following [40 C.F.R. § 761.65(d)(4)(iv)]:
    i. An internal communications or alarms system capable of providing immediate emergency instruction (voice or signal) to Facility personnel;
    ii. Devices, such as a telephone, cellular phone or hand-held two-way radio, shall be immediately available at the scene of operations and be capable of summoning emergency assistance from local police departments, fire departments, or State or local emergency response teams;

iii. Portable fire extinguishers, fire control equipment, spill control equipment, and decontamination equipment; and

iv. A fire suppression unit such as water at adequate volume and pressure to supply fire hose streams or foam equipment. The volume and pressure of the fire suppression unit shall be sufficient to suppress a fire containing burning PCBs.

11. Veolia shall at a minimum, annually test and maintain the equipment specified in Condition IV.G.10, as recommended by the manufacturer to assure its proper operation in time of emergency. In the event that any of the equipment specified above was manufactured by Veolia, Veolia shall establish and follow a testing and maintenance plan for those manufactured items. All emergency equipment inspection and maintenance records must be maintained at the Facility for at least 3 years and made available upon request to EPA [40 C.F.R. § 761.65(d)(4)(iv)].

12. Whenever PCBs are being processed, or otherwise handled, Veolia shall ensure that all personnel involved in the operation will have immediate access to an emergency communication device, either directly or through visual or voice contact with another employee [40 C.F.R. § 761.65(d)(4)(iv)].

13. At all times, there shall be at least one employee either at the Facility or on call who has:

    i. The responsibility for coordinating all emergency response measures; and

    ii. The authority to commit the resources needed to carry out the SPCC Plan.

    This employee shall have 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 [40 C.F.R. § 761.65(d)(4)(iv)].

14. Veolia shall provide EPA with a written report if unauthorized entry at the Facility occurred which caused PCBs to be discharged. The report shall specify, at a minimum, the date of the occurrence, a description of what happened, the nature of the problem, if any, that resulted from this occurrence, and the corrective action taken by Veolia. This includes any tampering, destruction, or loss at the Facility which caused release of PCBs. Veolia shall submit the report to EPA within 5 days of the occurrence, or within a reasonable timeframe agreed upon by EPA and the Facility [40 C.F.R. § 761.65(d)(4)(iv)].

15. Veolia shall review and immediately update, if necessary, the Facility Operating and SPCC Plan, in Appendix D of the Renewal Application (Appendix B), whenever:

    i. The Plan fails in an emergency;

    ii. Changes in the Facilities design, construction, operation, maintenance, or other circumstances that materially increases the potential for fires, explosions, or releases of PCBs or hazardous constituents, or other response necessary in an emergency;

    iii. The list of emergency coordinators changes;

    iv. The list of emergency equipment changes;

    v. When information available to Veolia otherwise indicates that a major revision is warranted; or

    vi. When EPA determines that a revision of a Plan is necessary [40 C.F.R. § 761.65(d)(4)(iv)].

16. If at any time EPA determines that PCB operations at the Facility authorized by this proposed Approval are creating a situation of imminent hazard, EPA will notify Veolia 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)].

H. Entry and Agency Inspection

1. EPA officials and representatives of EPA, upon presentation of credentials, shall be permitted access to any area of the Facility at all reasonable times during regular business hours to (1) determine compliance with applicable statutes, regulations, and the conditions of this proposed 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)].

2. Veolia, upon request by EPA, shall provide copies of any record maintained by the Facility within 5 days of such request [40 C.F.R. § 761.65(d)(4)(iv)].

3. Any refusal by Veolia to allow access to the Facility during such regular business hours, or refusal to provide requested copies of records, shall be deemed a violation of this proposed Approval [40 C.F.R. § 761.65(d)(4)(iv)].

I. General Inspection Requirements

1. Veolia shall inspect all Facility communications and alarm systems, fire protection equipment, spill control equipment, and decontamination equipment following the procedures and schedule described in the Renewal Application. All emergency equipment inspection and maintenance records must be maintained at the Facility

for at least 3 years and made available to EPA upon request [40 C.F.R. § 761.65(d)(4)(iv)].

2. Veolia shall conduct weekly and monthly inspections of the Facility using the most current version of the inspection forms titled "Safety Inspection and Audit Checklist" and "Record of Monthly Tank Inspections", respectively, provided in Appendix A of the Spill Prevention Control and Countermeasure (SPCC) Plan, located in Appendix D of the Renewal Application (Appendix B). Veolia shall evaluate and address all deficiencies identified during the inspections. Hard copies of the inspection forms shall be maintained at the Facility for at least 3 years and made available to EPA upon request [40 C.F.R. § 761.65(d)(4)(iv)].

3. Veolia shall document actions taken to address any deficiencies identified during the inspections [40 C.F.R. § 761.65(d)(4)(iv)].

4. The Facility contains an aboveground bulk tank and numerous drums, totes, and other types of containers that are subject to the Clean Water Act (CWA) SPCC planning requirements in 40 C.F.R. § 112 as bulk storage containers. Monthly bulk tank inspections must include inspection of metal surfaces, valves, pumps, tank foundations and supports, bolts, rivets, nozzle connections, and containment areas to identify any leaks, threats of leaks, corrosion, and abnormalities. In addition, Veolia shall conduct inspections of designated PCB storage areas and PCB containers and equipment in accordance with the inspection program described in Section D.3 of Appendix D, Facility Operating Plan, of the Renewal Application (Appendix B). Results of the inspection shall be recorded in the *Record of Monthly Tank Inspection* and *Safety Inspections and Audit* forms present in Appendix A of the SPCC Plan, which is located in Appendix D of the Renewal Application (Appendix B); and the *Annual Inspection Checklist* present in Appendix D of the SPCC Plan.

5. Veolia shall evaluate and address all deficiencies identified during the inspections of the storage and processing areas in accordance with EPA requirements and inspection reports in Appendix D of the Renewal Application (Appendix B). Veolia shall keep all records of all inspections and document any actions taken to address deficiencies identified during the inspections [40 C.F.R. § 761. 65(d)(4)(iv)].

6. Veolia shall document all internal inspections of the storage and processing areas as specified in the Facility Operation Plan, Appendix D, of the Renewal Application (Appendix B). Veolia shall also document actions taken to address any deficiencies identified during the inspections [40 C.F.R. § 761. 65(d)(4)(iv)].

J. Security

1. Veolia shall operate and maintain the security systems at the Facility to prevent unauthorized access of the Facility at all times, in accordance with the Facility Operating Plan, located in Appendix D of the Renewal Application (Appendix B) [40 C.F.R. § 761.65(d)(4)(iv)].

K. Closure Cost Estimate

1. Veolia shall maintain and update, as needed, a detailed estimate, in current dollars, of the cost of closure for each PCB storage and processing unit that is operated at the Facility in accordance with its Closure Plan. Veolia's current cost estimate is located in Appendix E of the Renewal Application (Appendix B). The TSCA closure cost estimate for the Facility shall always be in writing, be certified by the person preparing, modifying or updating it (using the certification defined in 40 C.F.R § 761.3) and comply with the following criteria:
    i. The closure cost estimate shall equal the cost of final closure at the point in the PCB unit's active life when the extent and manner of PCB operations would make closure the most expensive, as indicated by the closure plan;
    ii. The closure cost estimate shall be based on the costs to Veolia of hiring a third party to close the Facility, and the third party shall not be either a corporate parent or subsidiary of the Owner or Operator, or member in joint ownership of the Facility;
    iii. Veolia shall include in the estimate the current market costs for off-site commercial disposal of the Facility's maximum estimated inventory of PCB wastes, except that on-site disposal costs may be used if on-site disposal capacity will exist at the Facility at all times over the life of the PCB storage facility; and
    iv. The closure cost estimate may not incorporate any salvage value that may be realized with the sale of wastes, Facility structures or equipment, land, or other assets associated with the Facility at the time of closure [40 C.F.R.§ 761.65(f)(1), 40 C.F.R. § 761.65(d)(4)(iv)].
2. During the active life of each PCB unit, Veolia shall annually adjust the closure cost estimate for inflation within 60 days prior to the anniversary date of the establishment of the financial instruments used to demonstrate financial responsibility for closure. The adjustment may be made by recalculating the maximum costs of 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, D.C. 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 closure cost estimate is then made by multiplying the most recent closure cost estimate by the latest inflation factor. A modification is not required for adjustment the closure cost for inflation [40 C.F.R. § 761.65(f)(2), 40 C.F.R. § 761.65(d)(4)(iv)].

3. Veolia shall revise the closure cost estimate whenever EPA approves a modification to the Facility closure plan which increases the cost of closure. Veolia shall revise the closure cost estimate and submit it to EPA no later than 30 days after the modification is approved. The revised cost estimate shall be adjusted for inflation at that time [40 C.F.R. § 761.65(f)(3)].

4. Veolia shall keep at the Facility during its operating life the most recent closure cost estimate, including any adjustments resulting from inflation or from modifications to the Closure Plan [40 C.F.R. § 761.65(f)(4)].

L. Financial Assurance for Closure

1. Veolia shall maintain and update, as needed, adequate financial assurance for closure of each PCB unit that is operated at the Facility. A copy of the financial assurance documentation is present in the Renewal Application (Appendix B). The level of financial assurance funding shall be equal to the most recent total cost estimate for closure of the units, including any adjustments resulting from inflation or from modifications to the Closure Plan, established pursuant to Sections IV.K [40 C.F.R. § 761.65(f) and (g) and 40 C.F.R. § 761.65(d)(4)(iv)].

2. Within 30 days of EPA's issuance of a permit decision, Veolia shall update its current financial assurance to reflect the closure cost estimate (including adjustment for inflation) in Appendix E of the Renewal Application (Appendix B).

3. Veolia shall annually submit written documentation to EPA of continued financial assurance for the PCB units at the Facility. The documentation shall include, but not be limited to, the current closure cost estimate for the PCB units and the level of funding contained in the closure fund held by Veolia. A permit modification is not required if the only change in closure cost involves updating the total cost estimate for closure to adjust for annual inflation. The documentation shall be submitted to EPA by January 15 of each year [40 C.F.R. § 761.65(d)(4)(iv)].

M. Recordkeeping and Reporting

1. Veolia shall conduct recordkeeping and reporting activities in accordance with Section D.4, Table D-1 and Table D-2 of the Facility Operating Plan, located in

Appendix D of the Renewal Application (Appendix B) [40 C.F.R. § 761.65(d)(4)(iv)].

2. Veolia shall maintain all records listed in Tables D-1 of Appendix D of the Renewal Application (Appendix B) based on the retention schedule listed in Table D-1. Veolia shall submit records in accordance with Table D-2 of Appendix D of the Renewal Application (Appendix B) within the dates or timeframes listed in Table D-2. Any modification or correction of the records must be approved by EPA and initialed and dated by the responsible official. If the recordkeeping is maintained by computer system, Veolia shall make printouts available to EPA representatives upon request [40 C.F.R. § 761.65(d)(4)(iv)].

3. All PCB records, documents, monitoring data, sampling data and reports shall be constantly maintained at the Facility while it is operational, and shall be made available for inspection upon request to authorized EPA representatives. When Veolia ceases operations, all records, documents, monitoring data, sampling data and reports or certified copies thereof, shall be maintained at the Facility for at least 3 years following cessation of operations [40 C.F.R. § 761.180(b), 40 C.F.R. § 761.180(f)].

4. Waste Disposal Records and Reports

    i. Veolia shall comply with all provisions of 40 C.F.R. § 761.180 (Records and Monitoring). On July 15 of each year, Veolia shall submit to EPA the annual report required by 40 C.F.R. § 761.180(b)(3) for the previous calendar year and concurrently submit the annual report to the Information Repository with a request that it replace any prior annual report(s) submitted in accordance with this Condition. The annual report shall be sent to:

    Manager, Permits Section (Attn: LND-4-2)
    Land Division
    U.S. Environmental Protection Agency - Region 9
    75 Hawthorne Street
    San Francisco, CA 94105

    ii. Veolia shall comply with the following provisions of 40 C.F.R. Part 761, Subpart K:

        i. 40 C.F.R. § 761.207 - General requirements for manifests;

        ii. 40 C.F.R. § 761.208 - Use of the manifest;

        iii. 40 C.F.R. § 761.209 - Retention of manifest records;

iv. 40 C.F.R. § 761.210 - Manifest discrepancies. Requirement to submit manifest discrepancy reports for significant discrepancies in physical state or concentration of PCB waste that may be discovered by inspection or waste analysis;

v. 40 C.F.R. § 765.211 - Unmanifested waste report. Requirement to seek a manifest or return waste for any unmanifested PCB waste and to notify EPA to determine whether further actions are required before storage of the unmanifested PCB waste; and

vi. 40 C.F.R. § 761.215(d)-(e) - Requirement to submit one-year exception reports.

iii. At the completion of any cleanup required, Veolia shall develop and maintain records of the cleanup including at a minimum:

i. Identification of the source of the contamination;

ii. Date and time contamination was discovered;

iii. Date and time cleanup was completed;

iv. A brief description of contaminated the area(s);

v. 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;

vi. Amount of waste cleanup material generated; and

vii. A certification statement signed by Veolia personnel stating that the decontamination levels have been achieved and that the information contained in the record is true to the best of his/her knowledge.

Records of the cleanup shall be maintained for a minimum of 3 years [40 C.F.R. § 761.65(d)(4)(iv)].

V. Conditions for Storage and Processing of PCBs and PCB Items

A. Unit Descriptions

The Facility consists of 4 warehouse buildings and a hazardous waste storage structure (see Figures 1 and 2). Building 1, located on the western part of the property, and the hazardous waste storage structure, located on the northwestern part of the property, are both used primarily for RCRA activities. RCRA activities at the Facility are overseen by ADEQ.

Building 2 is used for PCB storage. Building 3 is used for storage and processing of PCBs. Building 4 has a small storage unit used for storage of PCBs. PCB activities in these buildings are overseen by EPA. PCB units are depicted in Figure 3.

B. Operational and Regulatory Requirements for Storage

1. Veolia shall at all times comply with the PCB storage requirements contained in 40 C.F.R. § 761.65.

2. Veolia shall dispose of any PCB waste stored at the Facility within 1 year 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 1-year time frame for disposal begins. PCB waste removed from service for disposal may be exempt from the 1-year time limit if the Facility provides EPA with a written record documenting all continuing attempts to secure disposal. The Facility shall maintain such records until the waste is disposed. This record must be available for inspection or submission if requested by EPA [40 C.F.R. § 761.65(a)(1) and 40 C.F.R. § 761.65(a)(2)(ii)-(iii)].

C. Approved PCB Storage Units and Storage Capacity

1. This proposed Approval authorizes Veolia, subject to the conditions in this proposed Approval, to store PCBs at the Facility in the units and at the maximum capacities shown in the table below:

Table 1. Approved PCB Units and Maximum Capacities

Unit Name	Maximum Unit Storage Capacity	Maximum Total Storage Capacity
Building 2 Storage Pod	41.59 cubic yards (8,400 gallons)	218 cubic yards (44,190 gallons)
Building 2 Curbed Storage Area	20.79 cubic yards (4,200 gallons)	
Building 3 Curbed Storage & Processing Area	228.76 cubic yards (46,200 gallons)	
Building 4 Storage Pod	16 cubic yards (3,232 gallons)	

*The Maximum Total Storage Capacity is less than the sum of the storage capacities of each unit.

2. The volume of PCBs stored within each unit shall not exceed both the maximum unit design storage capacity and the maximum total permitted storage capacity. The total volume of PCBs stored at the Facility shall not exceed the maximum total permitted storage capacity. The Facility requested a maximum total permitted storage capacity of 218 cubic yards (44,190 gallons), which is below the sum of the maximum unit design storage capacity of 307 cubic yards (62,032 gallons) [40 C.F.R. § 761.65(b)(ii)].

3. In determining compliance for the storage and processing units in Building 3, the volume from any TSCA-regulated PCBs or PCB Items located in the processing area count towards the permitted maximum unit storage capacity and the maximum total permitted storage capacity.

D. Design Requirements for PCB Storage Areas

1. Veolia shall at all times comply with the following requirements in the storage areas:

    i. Adequate roof and walls to prevent rain water from reaching the stored PCBs and PCB Items [40 C.F.R. § 761.65(b)(1)(i)].

    ii. Adequate floor with a continuous curb at least six inches high. The floor and curbing shall provide a containment volume at least twice the internal volume of the largest PCB Article or PCB Container stored therein or 25 percent of the total internal volume of all the PCB Articles or PCB Containers stored therein, whichever is greater [40 C.F.R. § 761.65(b)(1)(ii)].

    iii. There shall be no drain valves, expansion joints, sewer lines, or other openings that would allow liquids to flow from the storage area [40 C.F.R. § 761.65(b)(1)(iii)].

    iv. The floor and curbing areas in all PCB storage and processing areas shall be constructed of continuous, smooth and impervious materials. In the Building 3 curbed storage and processing area, two coats of epoxy or a similar type of coating with different colors to distinguish wearing away of the top coat, shall be applied to the concrete surface to prevent or minimize penetration of PCBs [40 C.F.R. § 761.65(b)(1)(iv), 40 C.F.R. § 761.65(d)(4)(iv)].

    v. If, at any given time, an epoxy-sealed area shows visual indication of the epoxy wearing off (i.e., the bottom layer color appears) then Veolia shall clean the surface with a solvent and reapply the top coat of sealant (epoxy coat) [40 C.F.R. § 761.65(d)(4)(iv)].

    vi. The PCB storage and processing areas shall not be located below the 100-year flood water elevation [40 C.F.R. § 761.65(b)(1)(v)].

2. All containers used for storage of drained PCB liquids, spent decontamination fluid (diesel/kerosene/detergent/water mixture) used for recovery of metals, and other liquid PCB wastes shall be located in a secondary containment area that meets the requirements of Condition V.D.1.

E. PCB Storage in Containers

1. For the purposes of this proposed Approval, "gallons" refer to a volumetric measure that could be related to either a solid or liquid. Thus, a 55-gallon drum could hold either 55 gallons of a liquid or 55 gallons of a solid such as soil. A partially full

drum shall be counted as full for purposes of determining compliance with the maximum permitted storage capacity [40 C.F.R. § 761.65(d)(4)(iv)].

2. During electrical equipment processing, the volume of PCB contained in the electrical equipment shall be counted towards the maximum permitted storage capacity for the designated PCB storage area depicted in Table 1 in Condition V.C.1 [40 C.F.R. § 761.65(d)(4)(iv)].

3. Veolia shall operate and maintain a database and barcode system to track the volumes and locations of all PCB wastes throughout the Facility [40 C.F.R. § 761.65(d)(4)(iv)].

4. Veolia shall maintain a 2 foot or greater aisle space between PCB Containers in the designated storage and processing areas in Buildings 2, 3 and 4, to allow for unobstructed access by personnel, fire protection equipment, and decontamination equipment. This requirement shall not prevent the Facility from complying with all local and state fire codes and regulations [40 C.F.R. § 761.65(d)(4)(iv)].

5. Veolia shall stack drums in the designated storage and processing areas at the Facility no more than two drums high [40 C.F.R. § 761.65(d)(4)(iv)].

6. Veolia shall store and move PCB Items in a manner that does not compromise the epoxy coating on the floor [40 C.F.R. § 761.65(d)(4)(iv)].

7. Veolia may operate movable equipment within the storage area in Building 3. Veolia shall not remove any movable equipment (e.g., dedicated forklifts) from the storage area in Building 3 that is used for handling PCBs and PCB Items or that comes in direct contact with PCBs unless it has been first decontaminated in accordance with 40 C.F.R. § 761.79 [40 C.F.R. § 761.65(c)(4)].

F. PCB Storage Marking and Labeling

1. Veolia shall date and label all PCB Containers, PCB Items, PCB storage areas, and the aboveground tanks in the PCB processing area with the M_L label defined in 40 C.F.R. § 761.45.

2. PCB-contaminated waste or liquid PCB waste, when composited into one container, will retain the date of the oldest container. The regulatory status of storage containers at the Facility must be in accordance with the highest level of PCBs to which it was exposed [40 C.F.R. § 761.65(d)(4)(iv)].

G. Sampling of PCB Storage and Processing Building

1. On a quarterly basis, Veolia shall collect 12 wipe samples in the warehouse areas (storage/processing units and non-storage/processing areas) as well as administrative areas of Buildings 2, 3 and 4. These samples shall be collected on the second week of the first month of each quarter (January, April, July, and

October). Once a quarter, Veolia shall use a third party contractor to collect the wipe samples. Wipe samples shall be analyzed for PCB Aroclors using EPA Method 8082. Extraction shall be done using either of the following methods: EPA Method 3500/3550C or EPA Method 3500/3540C. Wipe sampling shall consist of randomized grid sampling as well as judgmental sampling. The wipe sampling shall be conducted in accordance with the quarterly wipe sampling plan described in Appendix D of the Revised Application (Appendix B) [40 C.F.R. § 761.65(d)(4)(iv)].

2. A written report containing the quarterly wipe sampling results shall be submitted to EPA on an annual basis. The report shall contain a compilation of the data for the previous four quarters of wipe sampling. Wipe sampling reports shall be submitted to EPA along with the Annual Report, which is prepared in accordance with 40 C.F.R. § 761.180(b)(3). If, in any given quarter, the PCB concentration in any of the wipe samples exceeds 10 micrograms of PCBs per 100 square centimeters (10 µg/100 cm^2), Veolia shall orally notify EPA within 72 hours of when Veolia representatives became aware of the exceedance, remediate the areas of concern, collect confirmation samples in and around impacted area(s), and submit a report to EPA documenting these findings event within 30 days of the initial sampling event. Reports will be submitted to the Manager of the Permits Section of the Land Division (mailing address provided below) and will provide: the analytical results; description of the sampling activities that were conducted; sample locations; and the name of the person and company collecting the samples [40 C.F.R. § 761.65(d)(4)(iv)].

   Manager, Permits Section (Attn: LND-4-2)
   Land Division
   U.S. Environmental Protection Agency – Region 9
   75 Hawthorne Street
   San Francisco, CA 94105

3. At the end of each working day, Veolia shall mop the floors in the warehouse portions in Buildings 2, 3, and 4 that may be impacted by PCB tracking or leaks with cleaning solvent, to help ensure that these areas do not contain PCB contamination that exceeds 10 µg/100 cm^2. Mop water shall be replenished on a frequent basis to prevent the potential spread of PCB contamination throughout other areas of the Facility ([40 C.F.R. § 761.65(d)(4)(iv)].

H. Closure of Storage Areas

1. Veolia shall notify EPA in writing at least 60 days prior to the date it expects to begin closure of the TSCA-designated storage and processing areas (processing units are discussed in Section VI) at the Facility [40 C.F.R. § 761.65(e)(6)(i)].

2. Veolia shall conduct final closure activities for the storage and processing areas in accordance with the Closure Plan in Appendix E of the Renewal Application (Appendix B) [40 C.F.R. § 761.65(d)(4)(iv)].

3. Veolia shall submit to EPA a revised Closure Plan for Buildings 2, 3, 4 and the outdoor area where PCBs may have been tracked as a permit modification pursuant to Section VII reflecting current operating conditions at the Facility at least 180 days prior to beginning closure activities. The revised Closure Plan must be approved in writing by EPA prior to implementation [40 C.F.R. § 761.65(e), 40 C.F.R. § 761.65(d)(4)(iv)].

4. Veolia shall submit a completion report and closure certification to EPA upon conclusion of closure activities within 200 days following notification of closure activities. The completion report shall include the following;

    i. Full analytical laboratory reports;

    ii. Copies of documents (e.g., manifests) indicating total amount of waste disposed;

    iii. List of approved facilities where cleanup waste was transported for disposal;

    iv. List of any contractors used during the closure process;

    v. Inventory or equipment that will be brought back into reuse, if any;

    vi. The nature of the contamination, including types of materials contaminated;

    vii. A summary of the sampling procedures used, and a table or cleanup site map showing PCB concentrations measured in all pre-cleanup and characterization samples. The summary must include sample collection and analysis dates;

    viii. The location and extent of the identified contaminated area, including maps with sample collection sites cross referenced to the sample identification numbers in the data summary;

    ix. A description of any deviations from the closure plan and/or any supplemental activities that may have been conducted based on verification sampling;

    x. An evaluation of the quality assurance/quality control (QA/QC) analyses; and

    xi. A written certification signed by the operator of the Facility that the PCB storage Facility has been closed in accordance with the approved

closure plan. This should incorporate the language for Certification defined in [40 C.F.R. §761.3].

5. Veolia may petition EPA to be allowed to forgo submittal of a revised Closure Plan at least 180 days prior to the anticipated beginning of closure activities. In that petition, Veolia must demonstrate that there have been no significant changes to the operating conditions at the Facility that would warrant revisions to the Closure Plan. The requirements of Condition V.H.3 to submit a revised Closure Plan will only be waived upon a written notification of EPA to Veolia granting the petition [40 C.F.R. § 761.65(d)(4)(iv)].
6. Notwithstanding the requirements set forth in Condition V.H.3 above, Veolia shall submit a request to EPA to modify the Closure Plan pursuant to Section VII within 30 days of the following [40 C.F.R. § 761.65(e)(4), 40 C.F.R. § 761.65(d)(4)(iv)]:
    i. Changes in operator, operating plans, or facility design affect the Closure Plan;
    ii. There is a change in the expected date of closure, if applicable;
    iii. In conducting closure activities, unexpected events require a modification of the Closure Plan; or
    iv. Changes to the regulations that affect the Closure Plan.

VI. PCB Processing

A. Unit Description

PCB processing at the Facility involves draining and in some cases flushing of PCB Items and removing and decontaminating any recoverable metals, which can be distributed in commerce for reuse, from PCB Items, as described in Appendix D, Facility Operating Plan, of the Renewal Application (Appendix B).

Key processing materials include the following:

- Table with non-porous surface used for dismantling PCB-Contaminated Equipment or Items;
- Tools used to remove recoverable metals from PCB-Contaminated Equipment or Items;
- Decontamination fluid, which consists of diesel, kerosene, surfactant, and water;
- Metal baskets for storing recoverable metal pieces during decontamination procedures;

- A 650-gallon aboveground tank for soaking and decontaminating recoverable metals; and
- Container for storage of spent decontamination solution.

Below is a summary of processing activities at the Facility:

Table 2: Summary of Equipment Processing

Equipment or Item	Draining & Flushing Procedures	Metal Recovery?
PCBs ≥500 ppm		
PCB Transformers	PCB Transformers are currently not processed at the Facility.	No
PCB Bushings	Bushing is disassembled and drained.	Yes
PCB Cables	Cables are stripped to separate metal from external casing and insulating components.	Yes
PCBs 50 ppm – 499 ppm		
PCB-Contaminated Transformer	PCB-Contaminated Transformers are currently not processed at the Facility.	No
PCB-Contaminated Electrical Equipment	Electrical equipment is drained to extent possible.	Yes, except PCB Capacitors and PCB ballasts

B. Operational and Regulatory Requirements for Processing

1. PCB ballast processing is prohibited at the Facility, however the Facility may receive PCB ballasts for storage and subsequent shipment off-site to a processing and/or disposal facility [40 C.F.R. § 761.65(d)(4)(iv)].

2. Ballasts without the proper labeling or documentation shall be managed as a PCB-containing item, until such time that analytical data indicates their regulatory status for disposal; these ballasts may be stored at the Facility for subsequent transport off-site for disposal [40 C.F.R. § 761.65(d)(4)(iv)].

3. Recovery of metals from PCB-Contaminated and PCB Transformers is prohibited. If at a later time Veolia wishes to disassemble PCB-Contaminated or PCB Transformers and decontaminate its non-porous components, Veolia must submit a permit modification in accordance with in Section VII. Disassembly of PCB-Contaminated and PCB Transformers shall be conducted in accordance with the EPA's *Disassembling and Decontamination of PCB-Contaminated and PCB Transformers Memorandum*, dated April 16, 2007 [40 C.F.R. § 761.65(d)(4)(iv)].

4. Veolia shall follow the decontamination procedures for recovery of metals from electrical equipment (other than PCB-Contaminated and PCB Transformers), described in Appendix D, Facility Operating Plan, of the Renewal Application (Appendix B) [40 C.F.R. § 761.65(d)(4)(iv)].
5. PCB processing activities shall not take place in any area outside the boundary of the designated processing area in Building 3 [40 C.F.R. § 761.65(d)(4)(iv)].
6. Veolia has constructed a decontamination area meant for workers to enter and exit the PCB processing area without tracking residual amounts of PCBs outside the designated PCB storage and processing area. When entering the decontamination area, workers shall put on the proper PPE necessary to minimize exposure to PCBs when working within the storage area. When leaving the storage area, workers shall always exit through the decontamination area and follow the decontamination procedures provided in the Renewal Application (Appendix B) [40 C.F.R. § 761.65(d)(4)(iv)].
7. Veolia shall use the decontamination fluid for metals recovery described in Section D.1.6.5 of Appendix D, Facility Operating Plan, of the Renewal Application (Appendix B) [40 C.F.R. § 761.65(d)(4)(iv)].
8. The internal surfaces of the drained equipment must be flushed three times with a solvent containing <50 ppm PCBs and allowed to stand for at least 18 continuous hours, after which the solvent is thoroughly removed. Drained and flushed fluids are collected and stored for off-site incineration. Specific processing procedures are described in Section D.1.6 of Veolia's Renewal Application (Appendix B) [40 C.F.R. § 761.65(d)(4)(iv)].
9. Veolia shall determine the longevity rate of the decontamination fluid used in the 650-gallon aboveground metal decontamination tank following the procedures described in Section D.1.6.5.1 of the Renewal Application (Appendix B), and must base the final longevity rate on the most conservative scenario evaluated [40 C.F.R. § 761.65(d)(4)(iv)].
10. The PCB concentration of the decontamination fluid shall not exceed 50 ppm. Once the decontamination fluid has exceeded a total PCB concentration of 50 ppm, it cannot be used for decontamination purposes, and its volume will be considered a part of the permitted PCB storage capacity of the Facility [40 C.F.R. § 761.65(d)(4)(iv)].
11. Veolia shall follow the procedures described in Appendix D, Facility Operating Plan, of the Renewal Application (Appendix B) for sampling the decontamination fluid in the 650-gallon aboveground tank [40 C.F.R. § 761.65(d)(4)(iv)].

12. Veolia submitted an application for use of an alternative decontamination and sampling method for non-porous surfaces on December 19, 2013, per 40 C.F.R. § 761.79(h)(3). EPA reviewed and conditionally approved Veolia's application on January 17, 2014. Veolia responded by incorporating EPA's conditions into the Renewal Application (Appendix B). EPA's Approval of Veolia's alternate decontamination procedures under 40 C.F.R. § 761.79(h) is considered a condition of this proposed Approval. If Veolia wishes to modify the decontamination procedures approved by EPA on January 17, 2014, following issuance of EPA's permit decision, Veolia shall apply for a permit modification and shall provide EPA with the following information:

    i. Type of decontamination fluid selected either from the approved performance-based organic decontamination fluid (PODF) list provided in 40 C.F.R. § 761.79(c)(3)(iv) or 40 C.F.R. § 761.79(c)(4)(iv), or an alternative decontamination solution in accordance with 40 C.F.R. § 761.79(h);

    ii. Demonstration of the longevity rate of the newly selected PODF or alternative decontamination solution; and

    iii. Description of the proposed decontamination procedures.

    This type of change would also need to go through the permit modification process outlined in Section VII.A.

13. Veolia shall decontaminate metal components to unrestricted use standards for non-porous surfaces previously in contact with liquid PCBs at any concentration, where no free-flowing liquids are currently present (≤10 µg/100 cm^2 as measured by a standard wipe test) [40 C.F.R. § 761.79(h)(3)].

14. For non-porous surfaces in contact with non-liquid PCBs (including non-porous surfaces covered with a porous surface, such as paint or coating on metal), Veolia shall decontaminate to Visual Standard No. 2, Near-White Blast Cleaned Surface Finish, of the National Association of Corrosion Engineers (NACE). Veolia shall verify compliance with the Visual Standard No. 2 by visually inspecting all cleaned areas [40 C.F.R. § 761.79(b)(3)(i)(B)].

15. If analytical results of the metal wipe samples indicate that the PCB concentration is above 100 µg/100 cm^2, the metal may either be disposed of at a TSCA facility, or the decontamination process may be repeated. If the analytical result of the metal wipe sample is above the 10 µg/100 cm^2 standard but below 100 µg/100 cm^2 PCBs, the metal components may either be disposed of at a RCRA Subtitle C hazardous waste landfill, TSCA approved landfill, or municipal solid waste landfill in accordance with 40 C.F.R. § 761.61(a)(5)(ii), or the decontamination process may be repeated [40 C.F.R. § 761.65(d)(4)(iv)].

16. Veolia shall (1) maintain a hard copy of the metal wipe sampling data at the Facility for a period of at least 3 years and (2) submit the metal wipe sampling data to EPA upon the Agency's request within a reasonable timeframe agreed upon by both parties [40 C.F.R. § 761.65(d)(4)(iv)].

C. Draining and Flushing of PCBs

1. The Processing Area at the Facility is located within the storage area in Building 3, along the western part of the building, as depicted in Figure 3. PCB processing shall only take place within the designated processing area. Veolia is authorized, subject to the terms and conditions of this proposed Approval, to conduct processing of PCB Items within the storage area in Building 3. Processing is defined as taking the equipment apart and separating PCB liquids from PCB solids, then managing the off-site disposal of PCB liquids and solids, and facilitating the recovery of metal components in the equipment that are able to be decontaminated in accordance with TSCA requirements. Processing involves draining and flushing PCB Items. The PCB-drained liquids and PCB liquids generated from flushing activities shall be stored at the Facility until they are transported off-site for incineration or treatment in accordance with applicable state and federal regulations. The drained and flushed PCB Items shall be disposed of in accordance with applicable state and federal regulation [40 C.F.R. § 761.65].
2. Veolia shall conduct all PCB draining and flushing operations in accordance with the Facility Operating Plan, located in Appendix D of the Renewal Application [40 C.F.R. §761.65(d)(4)(iv)].
3. Veolia shall conduct all draining and flushing operations in the designated PCB processing area located within the sealed containment area of Building 3 (Figure 3) [40 C.F.R. §761.65(d)(4)(iv)].
4. Veolia shall conduct draining and flushing operations in a manner such that accidental spills of PCB-containing liquids are minimized. Any spills shall be addressed in accordance with spill cleanup procedures outlined in the SPCC Plan, Attachment D-2 of Appendix D, of the Renewal Application (Appendix B) [40 C.F.R. § 761.65(d)(4)(iv)].
5. As part of equipment flushing activities, Veolia shall:
    i. Drain the equipment of dielectric fluid.
    ii. The equipment will then be filled with No. 2 diesel fuel or another suitable solvent, including kerosene, xylene, toluene, or any other solvent in which PCBs are readily soluble, and allow the equipment to "soak" for a minimum of 18 hours.

iii. At the end of the 18-hour "flushing" period, Veolia shall drain the solvent from the equipment. Veolia shall make all practicable efforts, including extending the soaking/flushing time and/or using absorbents, to ensure that all solvent is removed from the flushed equipment.

iv. The drained liquid used for flushing electrical equipment shall be managed as PCB-containing liquid waste. The drained equipment shall be sent to an off-site TSCA disposal facility [40 C.F.R. § 761.60(b), 40 C.F.R. § 761.65(d)(4)(iv)].

6. All PCB-containing liquids drained from PCB-Contaminated and PCB Items per the protocol described in Condition VI.C.5 shall be disposed of within 1 year of the out of service date of the Item. Veolia shall input information on all PCB Items that are drained in an electronic and/or written tracking log. The tracking log shall, at a minimum, identify the Item drained, the Item number assigned by Veolia, the out of service date of the Item, the storage container that received the PCB liquids, the date of when the PCB liquids in each container(s) are shipped off-site for disposal and for each date the corresponding volume of PCB liquids shipped off-site for disposal. The log book shall be kept at the Facility and be available for review upon request [40 C.F.R. § 761.65(a)(1), 40 C.F.R. § 761.65(d)(4)(iv)].

7. All loading of PCB-containing liquids into tanker trucks for off-site disposal or destruction shall be done in accordance with the standard operating procedures outlined in Attachment D-1 of Attachment D of the Revised Application (Appendix B) [40 C.F.R. § 761.65(d)(4)(iv)].

D. Aboveground Tank Requirements

As part of the Facility's processing activities, equipment is drained and taken apart in the designated processing area in Building 3. The equipment is taken apart and metals from the equipment are separated for decontamination.

1. Veolia has a 650-gallon aboveground tank solely used for metals decontamination in the PCB processing area, located inside the storage area in Building 3. Veolia shall not place liquids in the tank system if this can cause the tank, ancillary equipment, or a containment system to rupture, leak, corrode or otherwise fail [40 C.F.R. § 761.65(d)(4)(iv)].

2. Veolia shall not place any substances into the tank system that may be incompatible with PCBs [40 C.F.R. § 761.65(d)(4)(iv)].

3. Veolia shall not spill or cause an overflow of PCB-containing liquid from the tank or containment system [40 C.F.R. § 761.65(d)(4)(iv)].

4. Veolia shall comply with the requirements for PCB containers specified in 40 C.F.R. § 761.65(c)(6). Any container or aboveground tank used for storage of liquid or non-liquid PCBs shall meet the U.S. Department of Transportation requirements described in 49 C.F.R. Parts 171 through 180 [40 C.F.R. § 761.65(d)(4)(iv)].

5. Veolia shall operate the aboveground storage tank used for metals recovery in accordance with OSHA standards set forth in 29 C.F.R. § 1910.106 [40 C.F.R. § 761.65(d)(4)(iv)].

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

The following requirements of this Section apply to any approval modification, termination, revocation, suspension, denial, continuation or renewal. The filing of a request by Veolia for an Approval modification, revocation or termination, or the notification of planned changes or anticipated noncompliance on the part of Veolia, does not terminate the applicability or enforceability of any proposed Approval condition [40 C.F.R. § 761.65(d)(4)(iv)].

A. Modifications

1. Modifications Initiated by EPA

   EPA may modify this proposed Approval for any of the causes identified below. In modifying this proposed Approval for cause, EPA may request an updated application from Veolia as necessary. EPA must follow the applicable procedures set forth in the conditions titled "Class 2 Approval Modification Procedures" and "Class 3 Approval Modification Procedures" when modifying the proposed Approval for cause.

   The following are causes for modification of this proposed Approval:

   i. **Alterations.** There are materials and substantial alterations or additions to the Facility or activity which occurred after issuance of an approval which justify the application of conditions that are different or absent in the existing Approval.

   ii. **Information**. EPA has received new or different information that was not available or not provided at the time of Approval issuance that would have justified the application of different Approval conditions at the time of issuance.

   iii. **New statutory requirements or regulations.** The standards or regulations on which the Approval was based have been changed by statute, through promulgation of new or amended regulations, or by judicial decision after the Approval was issued.

Compliance and/or construction schedules. 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 Veolia has little or no control and for which there is no reasonably available remedy

2. Modifications to this proposed Approval Requested by Veolia

   i. Approval modifications for Veolia are divided into 3 classifications: Class 1, Class 2 and Class 3. The classifications determine the procedure Veolia must follow to modify the Approval. Appendix G of this Approval lists the proposed modifications and corresponding classifications.

   ii. Class I Approval Modification Procedures

   Except as provided in Condition VII.A.2.(ii)(vi) of this Section, Veolia may put into effect Class 1 modifications listed in Appendix G of this Section under the following conditions:

   iii. Veolia must notify EPA concerning the modification by certified mail or other means that establish proof of delivery within 7 calendar days after the change is put into effect. This notice must specify the changes being made to Approval conditions or supporting documents referenced by the Approval and must explain why they are necessary.

   iv. Veolia must send a notice of the modification to all persons on the Facility Mailing List. This notification must be made within 90 calendar days after the change is put into effect. For the Class 1 modifications that require prior EPA approval, the notification must be made within 90 calendar days after EPA approves the request. The notice will have to be translated into another language (e.g., Spanish) if EPA determines that the demographics of the community surrounding the Facility requires translation for full public participation. If this is the case, both the English and translated versions of the notice should be sent to all persons on the Facility Mailing List.

   v. Any person may request EPA to review, and EPA may for cause reject, any Class 1 modification. EPA must inform Veolia by certified mail if a Class 1 modification has been rejected, explaining the reasons for the rejection. If a Class 1 modification has been rejected, Veolia must comply with the original Approval conditions.

   vi. Class 1 permit modifications identified in Appendix G by an asterisk may be made only with the prior written approval of EPA.

vii. For a Class 1 Approval modification, Veolia may elect to follow the procedures for Class 2 modifications instead of the Class 1 procedures. Veolia must inform EPA of this decision in the notice required in Condition VII.A.2.(iii) of this Section.

a. Class 2 Approval Modification Procedures

i. For Class 2 modifications, listed in Appendix G of this proposed Approval, Veolia must submit a modification request to EPA that:

a) Describes the exact change to be made to the proposed Approval conditions and supporting documents referenced by the proposed Approval;
b) Identifies that the modification is a Class 2 modification;
c) Explains why the modification is needed; and
d) Provides applicable supporting information and documentation.

ii. Veolia must send a notice of the modification request to all persons on the Facility Mailing List and to the appropriate units of State and local government and must publish this notice in a major local newspaper of general circulation. Veolia must provide EPA with evidence of the mailing and publication. The notice will have to be translated into another language (e.g., Spanish) if EPA determines that the demographics of the community surrounding the Facility requires translation for full public participation. If this is the case, both the English and translated versions of the notice should be sent to all persons on the Facility Mailing List. The notice must include:

a) Announcement of a 60-day comment period, and the name and address of an EPA contact to whom comments must be sent;
b) Name and telephone number of Veolia's contact person;
c) Name and telephone number of a EPA contact person; and
d) Location where copies of the modification request and any supporting documents can be viewed and copied.

iii. Veolia must place a copy of the Approval modification request and supporting documents in a location accessible to the public in the vicinity of the Facility.

iv. If requested, Veolia must hold a public meeting no earlier than 15 days after the publication of the notice required in Condition VII.A.2.a(ii) of this Section and no later than 15 days before the close of the 60-day comment period. The meeting must be held to the extent practicable in the vicinity of the Facility.

v. The public shall be provided 60 days to comment on the modification request. The comment period will begin on the date Veolia publishes the notice in the local newspaper. Comments should be submitted to the EPA contact identified in the public notice.

vi. No later than 90 days after receipt of the notice of modification request, EPA must:

a) Approve the modification request, with or without changes, and modify the Approval accordingly;
b) Deny the request;
c) Determine that the modification request must follow the procedures for Class 3 modifications for the following reasons:
   i. There is significant public concern about the proposed modification; or
   ii. The complex nature of the change requires the more extensive procedures of Class 3.
d) Approve the request, with or without changes, as a temporary authorization having a term of up to 180 days, or
e) Notify Veolia that EPA will decide on the request within the next 30 days.

vii. If EPA notifies Veolia of a 30-day extension for a decision, the EPA must, no later than 120 days after the notice of modification request:

a) Approve the modification request, with or without changes, and modify the Approval accordingly;
b) Deny the request;
c) Determine that the modification request must follow the procedures for Class 3 modifications for the following reasons:
   i. There is significant public concern about the proposed modification; or
   ii. The complex nature of the change requires the more extensive procedures of Class 3.
d) Approve the request, with or without changes, as a temporary authorization having a term of up to 180 days.

viii. If EPA fails to make one of the decisions specified in Condition VII.A.2.a.(vii) of this Section by the 120th day after receipt of the notice of modification request, Veolia is automatically authorized to conduct the activities described in the modification request for up to 180 days, without formal EPA action. The authorized activities must

be conducted as described in the approval modification request and must be in compliance with all appropriate standards of 40 C.F.R. Part 761. If EPA approves, with or without changes, or denies the modification request during the term of the temporary or automatic authorization provided for in Conditions VII.A.2.a.(vi)(d), VIII.A.2.a.(vii)(d) and VIII.A.2.a.(viii) of this Section, such action cancels the temporary or automatic authorization.

a) In the case of an automatic authorization under Condition VII.A.2.a.(viii) of this Section, or a temporary authorization under Conditions VII.A.2.a.(vi)(d) or VIII.A.2.a.(vii)(d) of this Section, if EPA has not made a final approval or denial of the modification request by the date 50 days prior to the end of the temporary or automatic authorization, Veolia must within seven days of that time send a notification to persons on the Facility Mailing List, and make a reasonable effort to notify other persons who submitted written comments on the modification request, that:
   i. Veolia has been authorized temporarily to conduct the activities described in the Approval modification request, and
   ii. Unless EPA acts to give final approval or denial of the request by the end of the authorization period, Veolia will receive authorization to conduct such activities for the life of the Approval.

b) If Veolia fails to notify the public by the date specified in Condition VII.A.2.a.(viii)(a) of this Section, the effective date of the permanent authorization will be deferred until 50 days after Veolia notifies the public.

ix. Except as provided in Condition VII.A.2.a.(xi) of this Section, if EPA does not approve or deny a modification request before the end of the automatic or temporary authorization period or reclassify the modification as Class 3, Veolia is authorized to conduct the activities described in the Approval modification request for the life of the Approval unless modified later using these procedures. The activities authorized under this Condition must be conducted as described in the Approval modification request and must be in compliance with all appropriate standards of 40 C.F.R. Part 761.

x. In making a decision to approve or deny a modification request, including a decision to issue a temporary authorization or to reclassify a modification as Class 3, EPA must consider all written comments submitted to the EPA during the public comment period and must respond in writing to all significant comments in the final decision.

xi. With the written consent of Veolia, EPA may extend indefinitely or for a specified period the time periods for final approval or denial of a modification request or for reclassifying a modification as Class 3.

xii. EPA may deny or change the terms of a Class 2 Approval modification request under Conditions VII.A.2.a.(vi) through VIII.A.2.a.(viii) of this Section for the following reasons:

a) The modification request is incomplete;
b) The requested modification does not comply with the appropriate requirements of 40 C.F.R. Part 761 or other applicable requirements; or
c) The conditions of the modification fail to adequately protect human health and the environment.

xiii. Veolia may perform any construction associated with a Class 2 Approval modification request beginning 120 days after the submission of the request unless EPA establishes a later date for commencing construction and informs Veolia in writing before day 120.

b. Class 3 Approval Modification Procedures

i. For Class 3 modifications listed in Appendix G of this Approval, Veolia must submit a modification request to EPA that:

a) Describes the exact change to be made to the Approval conditions and supporting documents referenced by the Approval;
b) Identifies that the modification is a Class 3 modification;
c) Explains why the modification is needed; and
d) Provides applicable supporting information and documentation.

ii. Veolia must send a notice of the modification request to all persons on the Facility Mailing List and to the appropriate units of State and local government and must publish this notice in a major local newspaper of general circulation. This notice must be mailed and published within 7 days before or after the date of submission of the modification request, and Veolia must provide to EPA evidence of the mailing and publication. The notice will have to be translated into another language (e.g., Spanish) if EPA determines that the demographics of the community surrounding the Facility requires translation for full public participation. If this is the case, both the English and translated versions of the notice should be sent to all persons on the Facility Mailing List. The notice must include:

a) Announcement of a 60-day comment period, and the name and address of an EPA contact to whom comments must be sent;
b) Announcement of the date, time, and place for a public meeting;
c) Name and telephone number of Veolia's contact person;
d) Name and telephone number of an EPA contact person; and
e) Location where copies of the modification request and any supporting documents can be viewed and copied.

iii. Veolia must place a copy of the Approval modification request and supporting documents in a location accessible to the public in the vicinity of the Facility.

iv. Veolia must hold a public meeting no earlier than 15 days after the publication of the notice required in Condition VII.A.2.b.(ii) of this Section and no later than 15 days before the close of the 60-day comment period. The meeting must be held to the extent practicable in the vicinity of the Facility.

v. The public shall be provided 60 days to comment on the modification request. The comment period will begin on the date Veolia publishes the notice in the local newspaper. Comments should be submitted to the EPA contact identified in the public notice.

vi. EPA will consider and respond to all comments received during the 60-day comment period and will either approve, with or without changes, or deny the Approval modification request.

c. Other Modifications

i. In the case of modifications not explicitly listed in Appendix G of this proposed Approval, Veolia may submit a Class 3 modification request to EPA, or it may request a determination by EPA that the modification should be reviewed and approved as a Class 1 or Class 2 modification. If Veolia requests that the modification be classified as a Class 1 or 2 modification, it must provide EPA with the necessary information, as determined by EPA, to support the requested classification.

ii. EPA shall make the determination described in Condition VII.A.c.(i) of this Section as promptly as practicable. In determining the appropriate class for a specific modification, EPA shall consider the similarity of the modification to other modifications codified in Appendix G and the following criteria:

a) Class 1 modifications apply to minor changes that keep the Approval current with routine changes to the Facility or its operation. These changes do not substantially alter the Approval conditions or reduce the capacity of the Facility to protect human health or the environment. In the case of Class 1 modifications, EPA may require prior approval.
b) Class 2 modifications apply to changes that are necessary to enable Veolia to respond, in a timely manner, to,
   i. Common variations in the types and quantities of the wastes managed under the Facility Approval;
   ii. Technological advancements; or
   iii. Changes necessary to comply with new regulations, where these changes can be implemented without substantially changing design specifications or management practices in the Approval.
c) Class 3 modifications substantially alter the Facility or its operation.

B. Transfer of Ownership

1. At least 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, Veolia shall:

   i. Submit notice to EPA that includes a notarized affidavit signed by the transferee which states that the transferee will abide by this proposed Approval [40 C.F.R. § 761.65(j)]; and

   ii. Provide the financial assurance for closure and post-closure that the transferee will have in effect as of the date of proposed transfer.

2. The date of transfer of the final Approval shall be the date EPA provides written approval of the transfer.

C. Revocation, Suspension, or Denial of Approval

1. EPA may issue a notice of deficiency, suspend or terminate the final Approval, deny an Application for Approval renewal, or take an enforcement action, if EPA determines that one or more of the following conditions have occurred [40 C.F.R. § 761.65(d)(4)(iv)]:

   i. Noncompliance with the conditions of the final Approval or with the PCB regulations at 40 C.F.R. Part 761;

   ii. Failure by Veolia in the approval application or approval issuance process to disclose fully all relevant facts, or Veolia's misrepresentation of any relevant facts at any time;

iii. EPA's issuance of new regulations, standards or guidance for issuing PCB approvals; or

iv. Veolia's PCB operations are being operated in a manner which may result in an unreasonable risk to human health and the environment.

2. For a termination or suspension of the final Approval, EPA shall provide 30-day notice to Veolia of the condition(s) warranting the action. EPA will not terminate or suspend the final Approval if Veolia can sufficiently demonstrate within the 30-day period to EPA satisfaction that it has eliminated or corrected the condition(s) warranting the termination or suspension [5 U.S.C. § 558(c)].

D. Continuation of Approval

1. The conditions of the final Approval shall administratively continue beyond the expiration date if:

i. Veolia has submitted an Application for renewal to EPA in accordance with Section VII.E of this proposed Approval; and

ii. EPA, through no fault of Veolia, does not issue a new Approval with an effective date on or before the expiration date of the final Approval.

E. Renewal of Approval or Closure

1. Veolia shall, at least 180 days, but not more than 270 days, prior to expiration of the final Approval, submit to EPA either a written notice of its intent to seek renewal of the final Approval or a revised Closure Plan to initiate the closure process for the Facility. The written notice shall consist of an application that includes all documents necessary to satisfy the requirements for a TSCA PCB Approval under 40 C.F.R. Part 761.

2. If Veolia intends to close the Facility, the Closure Plan included as part of this proposed Approval shall be revised to reflect current operating conditions at the Facility. The revised Closure Plan shall be approved in writing by EPA prior to implementation [40 C.F.R. § 761.65(d)(4)(iv)].

VIII. Definitions

Unless otherwise defined below, all the terms and acronyms used in this proposed Approval shall have the same definitions as those set forth in 40 C.F.R. § 761.3 of the TSCA.

1. "ADEQ" means the Arizona Department of Environmental Quality.
2. "Approval" means this TSCA Approval to operate a facility that manages PCBs.
3. "C.F.R." means the Code of Federal Regulations.

4. "Closure Plan" means the Closure Plan for the Facility.
5. "CWA" means Clean Water Act.
6. "Day" means a calendar day unless otherwise stated as an operating day.
7. "EPA" means United States Environmental Protection Agency.
8. "Facility" means Veolia hazardous waste management facility located at 5736 West Jefferson Street, Phoenix, Arizona.
9. "Facility Mailing List" means the list of persons, organizations and government agencies that will receive copies of correspondence related to the TSCA Approval. This list may be maintained by EPA and/or the Facility.
10. "ft^2" means square feet.
11. "HAZWOPER" means Hazardous Waste Operations and Emergency Response.
12. "I-10" means Interstate 10.
13. "Information Repository" means the reference desk of the local Library.
14. "Jewel Investment" means Jewel Investment Company of Phoenix, Arizona.
15. "Local Library" means a library located in Phoenix, Arizona. Information sent to the library should be directed to the reference desk.
16. "NACE" means National Association of Corrosion Engineers.
17. "OES" means Onyx Environmental Services, L.L.C.
18. "Operator" means Veolia in Phoenix, Arizona.
19. "OSHA" means Occupational Safety and Health Act.
20. "OSS" means Onyx Special Services Inc.
21. "PCB or PCBs" means polychlorinated biphenyls, and refers to any chemical substance that is limited to the biphenyl molecule that has been chlorinated to varying degrees or any combination of substances which contains such substance.
22. "PCB Item" means any PCB Article, PCB Article Container, PCB Container, PCB Equipment, or anything that deliberately or unintentionally contains or has as a part of it any PCB or PCBs.
23. "PODF" means performance-based organic decontamination fluid.
24. "PPE" means personal protective equipment.
25. "PPM" means parts per million.
26. "QA/QC" means quality assurance/quality control.
27. "RCRA" means Resource Conservation and Recovery Act.

28. "Salesco" means Salesco Systems USA, Inc Arizona.
29. "SHPO" means State Historic Preservation Officer.
30. "SPCC" means Spill Prevention Control and Countermeasure.
31. "SSS" means Superior Special Services, Inc.
32. "State RCRA Permit" means the ADEQ permit issued to Veolia for management of hazardous wastes.
33. "TSCA" means Toxic Substances Control Act, 15 USC 2601 *et seq.* as implemented by 40 C.F.R. Part 761.
34. "Veolia" means Veolia Environmental Services Technical Solutions, L.L.C.

FIGURES

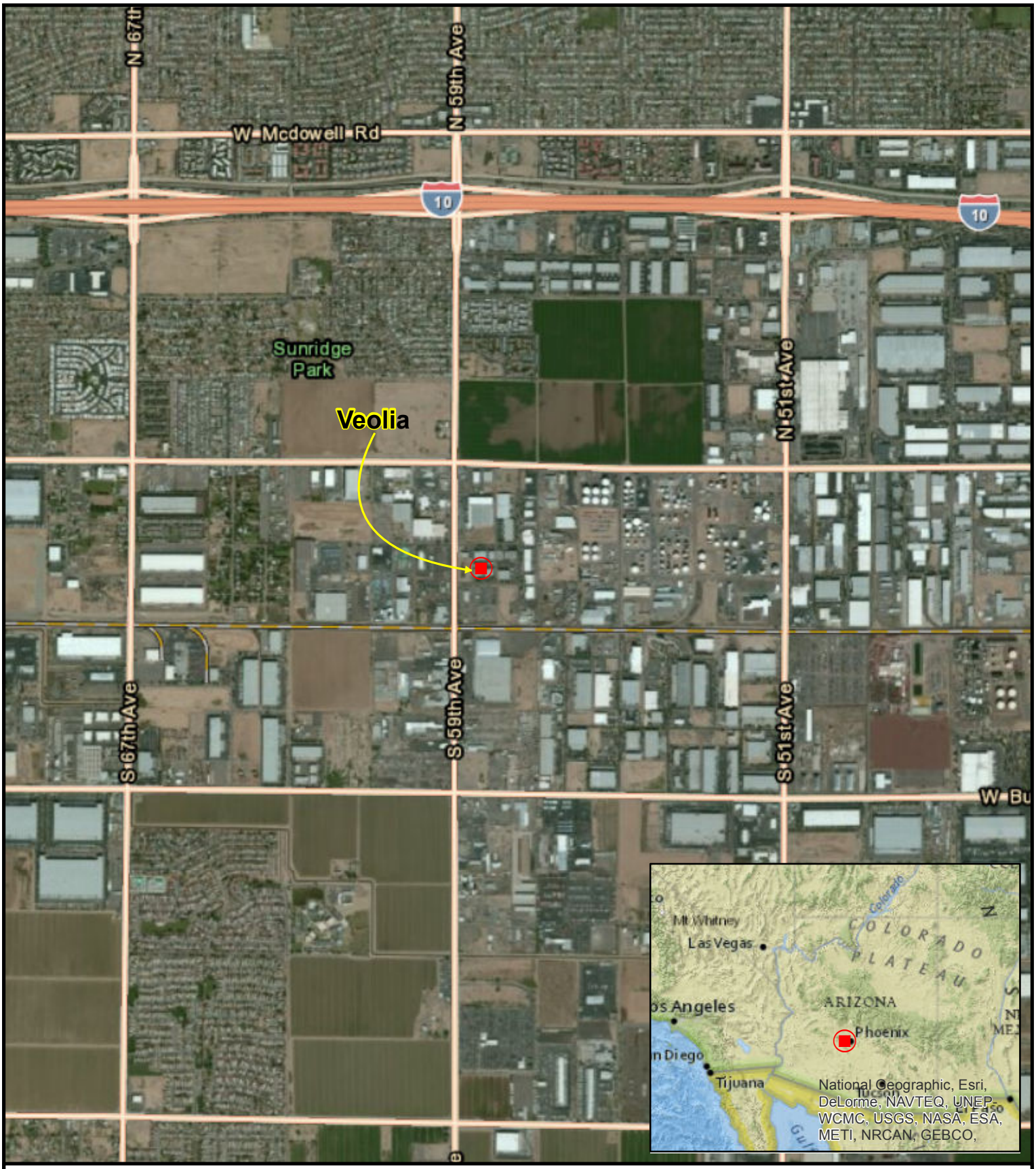

Figure 1: Veolia Site Vicinity Map

Veolia Environmental Services Technical Solutions LLC

5736 W. Jefferson St. Phoenix, AZ 85043

EPA Region 9 GIS Center

Facility Location

N

Miles 0 0.25 0.5 1

WST1302084.1
April 18, 2013

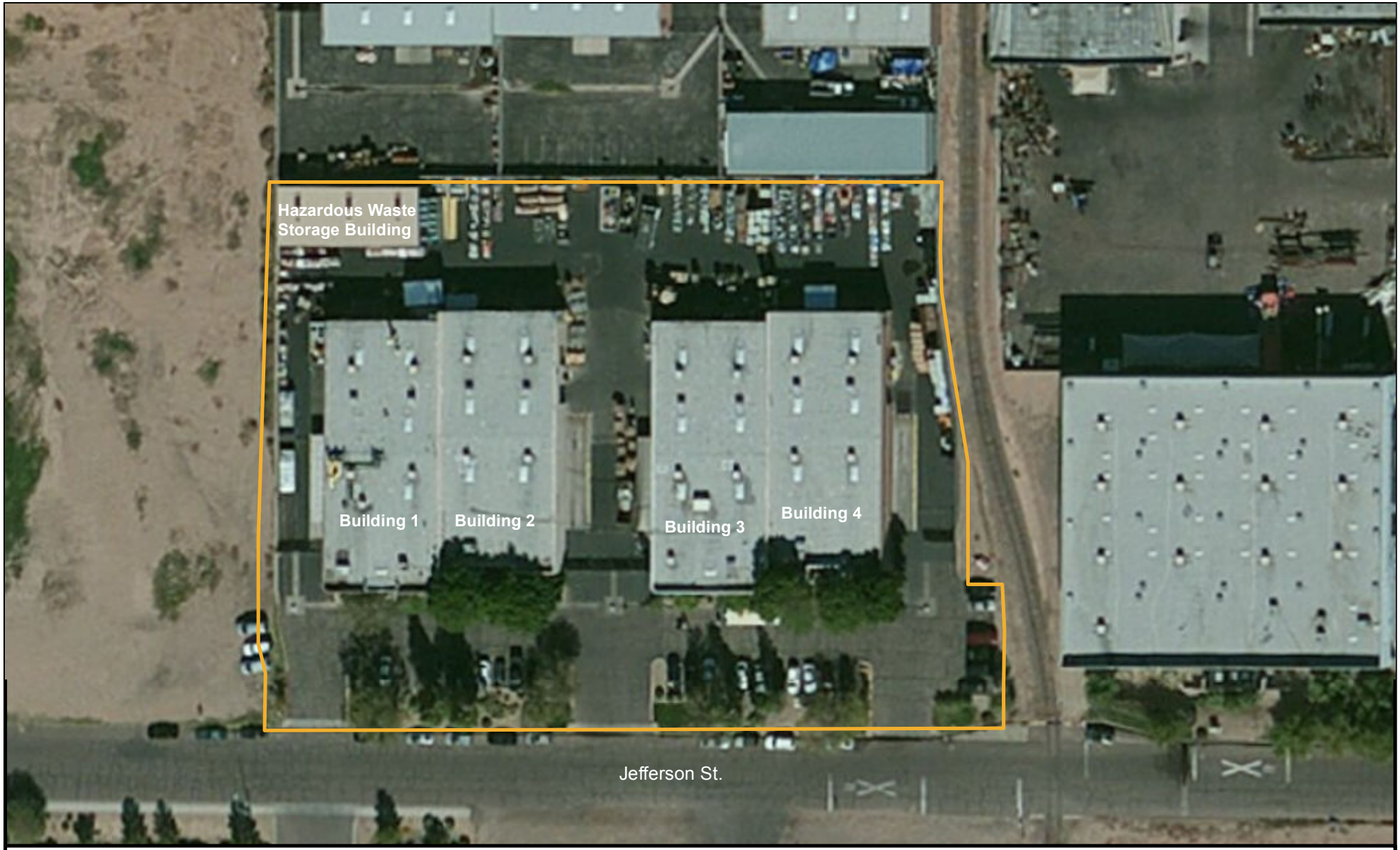

Figure 2: Veolia Site Boundary

Veolia Environmental Services Technical Solutions LLC

5736 W. Jefferson St. Phoenix, AZ 85043

EPA Region 9 GIS Center

Site Boundary

N

0 25 50 100 Feet

WST1302084.2
April 18, 2013

Figure 3: PCB Storage and Processing Areas

Unit Type *

- PCB Processing
- PCB Receiving
- PCB Storage

* The Unit Type dimensions are approximate

Veolia Environmental Services
Technical Solutions LLC

5736 W. Jefferson St. Phoenix, AZ 85043

N

0 25 50 100 Feet

EPA Region 9 GIS Center

WST1302084.1 June 01, 2015

APPENDICES

APPENDIX A – COMMERCIAL PCB STORAGE AND LIGHTING BALLAST RECYCLING APPROVAL, EPA ID AZ 983473539 (DECEMBER 15, 1994)

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION IX
75 Hawthorne Street
San Francisco, CA 94105-3901

In the Matter of Salesco Systems USA Inc.-AZ Phoenix, AZ 85043 **EPA ID AZD983473539**	) Approval for Commercial Storage of) Polychlorinated Biphenyls (PCBs) and) Alternate Disposal of Lighting Ballasts)

AUTHORITY

This Approval to commercially store and process regulated Polychlorinated Biphenyl (PCB) contaminated materials and to separate and recycle Lighting Ballasts is issued pursuant to Section 6(e)(1) of the Toxic Substances Control Act (TSCA) of 1976 (Public Law No. 94-469) and the Federal PCB Regulations, 40 CFR 761.60 (e) and 761.70 (a) and (b) (48 CFR 13185, March 30, 1983).

EFFECTIVE DATE

This approval shall be effective upon signature of the Director of Air and Toxics Division, EPA Region IX.

TABLE OF CONTENTS

DEFINITIONS

All the terms and abbreviations used in this Approval shall have the meanings as defined in 40 CFR Section 761.3, EPA's "Guidelines for PCB Destruction Permit Applications and Demonstration Test Plans" (April 16, 1985) and "TSCA Guidance Manual for Commercial PCB Storage Facility Applications (October 18, 1989), unless the context clearly indicates otherwise or unless defined below for the purposes of this Approval.

"Application" and "Salesco Systems USA-AZ Application" mean the August 17, 1994 Application, and subsequent modifications, which were submitted to EPA for PCB storage non-thermal alternate disposal process of PCBs.

"Alternate Disposal Technology" means the process of separating PCB-contaminated potting material and capacitors from recyclable metal components of lighting ballasts.

"ATD" means the Director, Air and Toxics Division, EPA Region IX.

"EPA" means the United States Environmental Protection Agency, Region IX Office.

"Destroy by Recycling" means destroying the original identity of the article by melting, grinding, etc., and reusing the material.

"Lighting Ballast" means a device that controls the flow of electric current to fluorescent and high-intensity discharge (HID) lamps.

"Parts per Million" (ppm) means mg per kilogram (mg/kg).

"PCB-Containing Lighting Ballast" means any lighting ballast with potting compound containing, or presumed to contain, PCBs at or exceeding 50 ppm PCBs.

"Potting Compound" means the tar-like substance used as an insulator in lighting ballasts. Some potting compounds contain PCBs.

"Regional Administrator" means the Regional Administrator, EPA Region IX.

"Salesco-AZ" means Salesco Systems USA, Inc.-AZ.

"Salesco-AZ" and "Facility" mean the site located at 5736 W. Jefferson, Phoenix, AZ 85043 where the Salesco Systems USA, Inc.-AZ EPA-approved PCB storage and lighting ballast recycling and disposal site is located.

APPROVAL

Salesco Systems USA, Inc.-AZ has submitted an application to the Regional Administrator for commercial storage and alternate disposal of PCBs and PCB Items. Under 40 CFR 760.65 (i), the Regional Administrator is authorized to issue permits for activities involving PCBs and PCB wastes. This authority has been redelegated to the Director, Air and Toxics Division by Regional Order R9 1260.31.

1. Approval is granted to Salesco-AZ to commercially store and process regulated Polychlorinated Biphenyl (PCB)-contaminated articles and items and to separate PCB-containing potting material and capacitors from recyclable metal components of lighting ballasts as described in the Salesco-AZ Application and in accordance with this Approval and the Conditions of Approval as stated herein.

2. This Approval shall become effective upon signature of the Director of Air and Toxics Division, EPA Region IX and shall expire on December 31, 1999, unless revoked, suspended, or terminated in accordance with the Conditions of Approval stated herein.

3. Salesco-AZ has chosen the trust fund as their financial assurance mechanism for closure. Acceptable documentation must be provided to the EPA within 30 days from the date of this Approval that the first payment into the trust has been received by the trustee. This first payment must be sufficient to meet the requirements of 40 CFR 761.65(g)(1). Failure to meet this requirement shall be grounds for termination of this Approval and Salesco will be required to initiate closure of the facility.

4. To renew this Approval for for commercial PCB storage and recycling lighting ballasts, Salesco-AZ must apply to the EPA in writing at least 180 days but not more than 270 days prior to the expiration date of this Approval. EPA may require Salesco-AZ to submit additional information in connection with its application for renewal. The above-mentioned information will be reviewed by EPA to determine if this Approval is to be renewed.

CONDITIONS OF APPROVAL

A. GENERAL CONDITIONS

1. Salesco-AZ must comply with and operate in accordance with provisions of the PCB regulation 40 CFR 761, with the Conditions of Approval stated herein, and with the Salesco-AZ application and amendments which were submitted to and approved by the EPA.

2. Any departure from the Conditions of Approval, modifications of this Approval, or the Salesco-AZ application approved by the EPA, must receive prior written authorization from the ATD. Departure from the Conditions of Approval, from any modifications of this Approval, or from the Salesco-AZ Application approved by the EPA, without prior written approval by the ATD, will subject this Approval to revocation, suspension, or termination,

and will subject Salesco-AZ to enforcement action under TSCA. If at any time Salesco-AZ becomes aware of any departure from the PCB regulation, Conditions of Approval, modifications of this Approval, or the Salesco-AZ application, Salesco-AZ shall notify the ATD by telephone within 24 hours and shall submit a written report to the ATD describing the departure within five (5) working days.

2. EPA reserves the right to impose additional conditions to the Approval and to modify any condition. EPA may withdraw or modify this Approval if it has reason to believe that the continued operation of the storage and disposal activity or facility presents an unreasonable risk to public health or the environment, if the EPA issues new regulations or standards for issuing PCB approvals, or for noncompliance with the Conditions of Approval or the PCB regulation (40 CFR 761).

3. Salesco-AZ shall provide upon request any information which the EPA deems necessary to determine whether cause exists for modification, revocation, suspension, or termination of this Approval. Failure to provide the above-mentioned information within five (5) working days of its request shall be deemed a violation of the Conditions of Approval.

4. Salesco-AZ is responsible for the actions of all Salesco-AZ employees, agents, and contractors who are involved in the operation of the storage and disposal facility. Compliance with the PCB regulation, the Conditions of Approval, modifications of this Approval, written notifications, and the Salesco-AZ application approved by the EPA, does not relieve Salesco-AZ of the responsibility to comply with all other applicable federal, state, and local laws and regulations.

5. Salesco-AZ shall allow inspection of the site, storage facility, recycling facility, and records relating to the facility and operations by the EPA authorized employees, agents, or contractors at any time to determine compliance with applicable statutes, regulations, Approval, and Conditions of Approval issued pursuant thereto. Any refusal by Salesco-AZ to allow access to the site and process, or refusal to provide copies of records shall be deemed a violation of the Conditions of Approval.

6. Salesco-AZ shall submit a written request to the ATD for a modification of this Approval to store PCBs and recycle PCB ballasts and its closure plan whenever:

a. there is to be a change in ownership, operating plans, or facility PCB storage area specifications,

b. there is a change in the expected date of closure (December 31, 2004),

c. unexepected events require modification of the approved closure plan,

d. changes in regulation require a more costly disposal method than that specified in the approved closure plan.

7. At least thirty (30) days before transferring ownership of the facility, a notarized

affidavit signed by the transferee which states that the transferee will abide by all provisions of this Approval shall be submitted to the ATD. After receiving such notification and affidavit, and other such documents as EPA may require, EPA may issue an amended Approval substituting the transferee's name for the Salesco-AZ name, or EPA may require the transferee to apply for a new PCB storage and recycling Approval. The transferee shall not operate under the Approval until the ATD issues an Approval in the transferee's name.

8. This Approval is binding upon Salesco-AZ. Salesco-AZ shall be responsible hereunder for any violations by officers or employees of any company having a financial interest in Salesco-AZ.

9. For PCB analysis, EPA approves the use of Salesco-AZ's own on-site laboratory so long as the certification (Arizona Environmental License Number AZ0475) by the Arizona Department of Health Services remains in effect. Salesco-AZ may use any other laboratory certified for PCB analysis which is certified for PCB analysis.

B. PROCESSING OF BALLASTS

The Salesco-AZ's PCB lighting ballast recycling and disposal process involves screening the ballasts, physically separating the metal components from associated PCB-contaminated potting compound and recycling the metals. Salesco-AZ shall meet the following work practice, operation, and other standards at all times during the operation of its facility:

1. Externally leaking ballasts and ballasts showing visual signs of leakage shall be excluded from recycling and disposed of as TSCA waste. Separation of leaking ballast components is not permitted.

2. All PCB-contaminated wastes in the form of non-leaking capacitors, potting compound, and associated debris and solid consumables such as personal protective equipment, disposable sampling templates, sorbents, wipes, solvents and/or solvent still bottoms, etc., shall be disposed of as TSCA waste in a chemical waste land fill approved pursuant to 40 CFR 761.75 or an incinerator approved pursuant to 40 CFR 761.70.

3. Leaking PCB capacitors from PCB ballasts shall be disposed of in an incinerator approved pursuant to 40 CFR 761.70.

4. Separated metal components shall be classified according to the amount of PCBs on the surface of the metal. Separated metal components with PCB levels at one hundred micrograms per one hundred square centimeters (100 ug/100 cm^2) or 50 ppm or less following processing may be recycled or disposed of as solid waste. Metals above 100 ug/100 cm^2 may be reprocessed or shall be disposed of as solid waste. For recycling, the original identity of the article shall be destroyed by melting, grinding, etc. Metal components with PCB levels at or below 10 ug/100 cm^2 or below 2 mg/kg following processing may be reused.

5. Potting material and separated non-metallic material removed from PCB ballasts

shall be presumed to contain 50 ppm or greater PCB unless the material is demonstrated to contain less than 50 ppm. Such material may be demonstrated to contain less than 50 ppm PCBs by a composite sample of each batch unless 1) potting material known to contain PCBs at 50 ppm or greater was added to the batch or 2) material from a leaking PCB ballast was added to the batch.

6. Each batch of separated metal and nonmetal materials for PCB analysis shall be thoroughly mixed before sampling by one of the following sample collection procedures:

A sample may be taken of the material in each shipping container if the container contains one cubic yard of material or less.

A sample may be composited from subsamples taken from more than one shipping container, provided the composite is taken from no more material than is included in one shipment.

A sample may be composited from subsamples collected from material separated each day, provided the composite is taken from no more material than is included in one shipment. At least one subsample shall be taken of the separated material generated in a normal production day.

7. Potting material and separated non-metallic material at or 50 ppm or greater but less than 500 ppm shall be disposed of in a chemical waste land fill approved pursuant to 40 CFR 761.75 or an incinerator approved pursuant to 40 CFR 761.70.

8. Potting material and separated non-metallic material at or 500 ppm or greater shall be disposed of in an incinerator approved pursuant to 40 CFR 761.70.

9. PCB waste, as defined in 40 CFR 761.3, shall be stored and transported in appropriate packaging as specified by the United States Department of Transportation.

10. In the event further decontamination of the metal is required, Salesco-AZ must apply for a permit amendment for such change.

C. STORAGE OF PCBs

1. Storage is limited to oil-filled electrical equipment, recovered dielectric fluids, drummed PCB solids and liquids, lighting ballasts, separated metal components, potting materials, separated non-metallic materials and capacitors removed from PCB ballasts, ballast processing and clean-up consumables listed in Salesco-AZ's application.

2. Storage of PCB and PCB Items are limited to the PCB storage area specified in the Salesco Application except PCB materials and PCB Items in transit to or from the Facility may remain outside the designated PCB storage area for a time not to exceed six (6) days.

3. Non-leaking PCB lighting ballasts and PCB articles may be stored temporarily outside the designated storage area for up to 30 days from the date of removal from service

provided the ballasts are placed in a covered, marked, non-leaking container and a note is attached to the container indicating the date of the item(s) removal from service.

4. Leaking PCB lighting ballasts may be temporarily stored outside the designated storage area for up to 30 days from the date of removal from service provided the ballasts are placed in a covered, non-leaking container that contains sufficient sorbent material to absorb any liquid PCBs remaining in the PCB ballasts and a note is attached to the container indicating the date the item(s) were removed from service.

5. The total amount of PCB materials and PCB Items at the Facility whether in or outside the designated PCB storage area may not exceed 40,500 gallons of PCB waste and 7,700 gallons of non-PCB waste nor the quantity whose disposal cost would equal the estimated cost of disposal of the maximum PCB inventory set forth in Salesco's closure cost estimate.

6. All equipment used for handling PCBs and PCB Items that come in direct contact with PCBs should be marked with the PCB M_L label (40 CFR 761.45 (a). The PCB M_S label may be substituted if the equipment cannot accommodate the M_L label.

7. Per 40 CFR 761.65 (c)(4), no item of movable equipment that is used for handling PCBs and PCB Items in the storage and recycling facilities and that comes in direct contact with PCBs shall be removed from the storage and recycle facility area unless it has been decontaminated as specified in § 761.79.

8. Any spill onto absorbent material contained within a containment pan shall be cleaned by removal of the absorbent material within 48 hours of the spill. The absorbent material must be treated as PBC regulated waste. All other spill inside or outside of the PBC Storage area shall be remediated as a specified in D4 of this approval.

9. Access to the PCB storage and waste handling activities shall be restricted to those Salesco employees on the signature sheet specified in D2, federal, state and local inspectors, and emergency response personnel.

D. WORKER PROTECTION

1. Salesco-AZ shall comply with the Safety and Hygiene program of the approved application.

2. Salesco-AZ's application includes a training plan in the form of a training manual for training workers. Within thirty (30) days of EPA permit approval, Salesco-AZ must train its employees as specified in the manual. New employees must be trained as specified in the manual prior to entering the PCB storage and ballast recycling areas. In addition to addresssing the regulatory requirements of 40 CFR 761, the training must also include the Prevention Control and Countermeasure (SPCC) Plan. A signature sheet must be used to verify personnel participation.

3. All plant operations personnel must enter and leave the PCB processing facility through a clean-in/clean-out facility.

4. Surfaces of the non-processing and clean-in/clean-out areas shall not exceed 10 ug/100 cm^2 PCBs.

5. In the event levels of contamination in excess of those referenced in Paragraph D4, Salesco-AZ shall immediately begin decontamination of the affected area(s). Cleanup to below the referenced levels shall be completed within 48 hours of the initial discovery of the contamination.

E. CONTINGENCY PLANS and EMERGENCY PROCEDURES

1. Salesco-AZ shall follow the Spill Prevention Control and Countermeasures Plan (SPCC Plan) in the approved application whenever there is a fire, explosion, or release of PCBs or hazardous constituents.

2. A copy of the Contingency Plan and all revisions to the Plan are to be maintained at the Salesco-AZ site. A copy of the Training Manual and this Approval shall also be maintained on-site. Also 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 alarms system capable of providing immediate emergency instruction (voice or signal) to facility personnel,

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

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

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

4. Salesco-AZ shall at a minimum test and maintain the equipment specified above as recommended by the manufacturer to assure its proper operation in time of emergency. In the event any of the equipment specified above was manufactured by Salesco-AZ, Salesco-AZ shall establish and follow a testing and maintenance plan for those manufactured items.

5. Whenever PCBs are being poured, mixed, or otherwise handled, Salesco-AZ shall 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.

6. At all times, there shall be at least one (1) employee either at the Salesco-AZ facility or on call who has the responsibility for coordinating all emergency response measures. This employee shall have immediate access to the entire facility and to a device such as a telephone, cellular phone or a hand-held two-way radio immediately available at the scene of operation and capable of summoning external emergency assistance. This employee must have the authority to commit the resources needed to carry out the Contingency Plan.

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

8. All facility communications or alarm systems, fire protection equipment, spill control equipment, and decontamination equipment shall be inspected at the frequencies referenced in Section XI of the approved application. All such equipment not specifically referenced in Section XI of the approved application must be inspected at least once a month to assure its proper operation. All emergency equipment inspection and maintenance records must be maintained at the Salesco-AZ site and made available to the EPA upon request.

9. Prior to operation, Salesco-AZ shall provide a written description of recycling and storage activities, stored materials, contingency plans, and emergency procedures, as described in the EPA-approved application, to local fire and police departments, hospitals, and state and local emergency response teams that may be called upon to provide emergency services.

10. In the event an authorized facility operator of Salesco-AZ believes, or has reason to believe, that any detectable quantities of PCBs, chlorinated solvents, or reagents have been released to the environment as a result of recycling and/or storage operation, the operation shall be terminated immediately, and the facility operator shall immediately inform the EPA emergency response personnel by telephone at (913) 236-3778. A full investigation into the cause of the incident and a detailed report shall be included in the daily operation records. A copy of this report describing the incident shall be submitted to the ATD by the close of business on the next regular business day following the incident. No additional material may be stored in the facility until the release problem has been corrected to the satisfaction of the EPA, and the ATD has provided written notice of such determination.

11. Salesco-AZ shall immediately report to EPA if unauthorized entry at the facility occurred which caused PCBs to be discharged, the nature of the problem, if any, that resulted from this occurrence, and corrective action taken by the facility to prevent future occurrences. This includes any tampering, destruction, or loss at the facility which caused release of PCBs.

12. Salesco-AZ shall review and immediately amend, if necessary, the SPCC Plan and Contingency Plan whenever:

(a) the Plan fails in an emergency,

(b) the facility changes in its design, construction, operation, maintenance, or other circumstances that materially increase the potential for fires,

explosions, or releases of PCBs or hazardous constituents, or from other responses necessary in an emergency,

(c) the list of emergency coordinators changes,

(d) the list of emergency equipment changes,

(e) any major revision is warranted,

(f) EPA determines that a revision to the Plan is necessary.

F. RECORDKEEPING and REPORTING

1. Salesco-AZ shall comply with all recordkeeping requirements outlined in the PCB Regulation, 40 CFR Part 761.

2. All PCB records, documents, and reports shall be maintained at one centralized location at the Salesco-AZ facility, and shall be made available for inspection by authorized EPA representatives. When Salesco-AZ ceases operations, all records, documents, and reports or certified copies thereof, shall be made available to EPA at the Salesco-AZ facility for a period of at least five (5) years following cessation of operations. If Salesco-AZ is unable to comply with this condition because it is no longer in control of the site, it shall comply by making the records, documents, and reports available at the location which is under control of Salesco-AZ nearest the site.

3. All records required by 40 CFR 761.180 and this Approval shall be written in ink or typed. Any modification or correction of the records must be initialed and dated by the supervisor in charge. If the recordkeeping is maintained by computer system, Salesco-AZ shall maintain monthly printouts of records pertaining to the process.

4. All records, documentation, and information relating to sampling, analysis, and quality assurance as required by this Approval shall be retained at the Salesco-AZ facility for a minimum of five (5) years, or longer if requested by the ATD. These records, documentation, and information 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 activities as described in Section 6 of the approved application.

5. At the completion of a cleanup required by Paragraph E9, Salesco-AZ shall develop and maintain records of the cleanup including at a minimum:

(a) identification of the source of the contamination

(b) the date and time contamination was discovered;

(c) the date and time cleanup was completed;

(d) a brief description of contaminated area;

(e) the 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) the amount of waste cleanup material generated and location of its disposal

(g) a certification statement signed by Salesco-AZ personnel stating that the decontaminated levels referenced in the appropriate Approval condition has been achieved and that the information contained in the record is true to the best of his/her knowledge.

6. Salesco-AZ shall submit to the ATD a summary of all modifications to the process and application document within ten (10) days of the end of each year's operation, or a report that no such modifications were made.

7. Salesco-AZ shall maintain copies of the Certificate of Disposal for all PCBs and PCB items which are stored at the commercial storage facility. Certificates of Disposal shall be provided to the generator within thirty (30) days of receipt by Salesco-AZ of documentation of final disposal of all materials resulting from the recycling of the generator's PCBs and PCB items.

G. CLOSURE and FINANCIAL REQUIREMENTS

1. Salesco-AZ shall comply with the current closure plan and closure cost estimate approved by EPA. At no time may the estimated costs associated with performing closure of the Salesco-AZ facility exceed the current closure cost estimate approved by EPA.

2. Salesco-AZ shall notify the ATD at least 90 days prior to the date it expects to begin closure.

3. Upon termination of the operation, Salesco-AZ 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 cessation of operations required by expiration, termination, or revocation of this Approval.

4. Financial assurance equivalent to that specified in 40 CFR 761.65(g) shall be maintained to provide for:

(a) funding of proper closure of the operation. The closure plan shall include the decontamination and/or disposal in an EPA approved PCB disposal facility of PCB-contaminated equipment and materials;

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

5. Any payment required to establish or continue the financial assurance mechanism used to satisfy the financial requirements of this section shall be made, and written verification thereof shall be furnished to the ATD by the Chief Executive Officer of Salesco-AZ prior to operation under this Approval. Salesco-AZ shall submit such documentation as EPA may require to determine that the financial assurance requirements have been met.

6. An executed copy of the trust agreement or other instrument and satisfactory evidence as determined by EPA of adequate liability insurance meeting the requirements of 40 CFR 264 (H) shall be submitted to the ATD prior to operation under this Approval. Salesco-AZ shall submit such documentation as EPA may require to determine that the liability insurance requirement has been met.

7. Salesco-AZ shall amend the Closure Plan whenever changes in operating plans or facility design affect the Closure Plan, including the current closure cost estimate, or whenever there is a change in the expected year of closure. Salesco-AZ must submit to the ATD for approval any modifications to the Closure Plan at least thirty (30) days prior to the modification.

8. Salesco-AZ shall submit documentation of continued financial assurance annually to the ATD to meet the requirements of Paragraph 4 of this Section.

9. The cost estimate for closure shall be based on worst-case conditions and shall be updated annually, or whenever a change in the Closure Plan increases the closure cost, and maintained on-site with the Closure Plan. The updated closure cost estimates shall be submitted to the ATD within thirty (30) days of Salesco-AZ's modification of the estimated closure cost.

H. DEMONSTRATION TEST

Because the Salesco-AZ process is nearly identical to one approved by US EPA Region II and since the viability, intergrity, and safety of method has been reported by Technical Services at the Government Services Canada Headquarters, Salesco-AZ will not be required to conduct a pre-operation demonstration test. EPA, however, may use an inspection of the facilities and monitor a production run in lieu of such demonstration test.

12/15/94
Date

David P. Howekamp
Director
Air and Toxics Division

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION IX
75 Hawthorne Street
San Francisco, CA 94105-3901

JAN 2 3 1996

Franklin D. Sales, Jr.
President
Salesco Systems USA, Inc.-AZ
5736 West Jefferson
Phoenix, AZ 85043

Re:: **Modification (decrease) in PCB Storage Capacity and Closure Cost Estimate: Amendment to EPA ID AZD 983473539**

Dear Mr. Sales:

This letter is to inform you of my approval to amend EPA Region IX's Approval (EPA ID AZD 983473539) for commercial PCB storage which was issued December 15, 1994 to Salesco Systems USA, Inc.-AZ located at 5736 West Jefferson in Phoenix, AZ 85043.

In a November 2, 1995 letter, you requested the maximum storage of PCB materials and PCB items that can be stored onsite at your facility be reduced from 40,500 gallons to 24,000 gallons to more closely match your current production rate. This will also allow a concomitant reduction in your estimated costs for a third party to dispose of your PCB inventory for closure.

In addition, you requested approval to reduce your closure cost estimate for contingencies from 15% to 6%. In Paragraph 5.1.2 of Volume II of your July 6, 1994 "Application for Approval to Operate a Commercial PCB Waste Storage Facility" submitted to Region IX, you stated that you enjoy reduced transport costs because you can offer guaranteed periodic shipments to landfill and incinerator disposal sites. To cover the higher, one-time shipment costs for a third party conducting the closure, a 40% surcharge was added to the estimated freight costs.. Region IX would therefore agree that 6% for contingencies would provide adequate protection to cover unforeseen expenses during closure.

Therefore, the language in Section C, Storage of PCBs, Provision 5 of Region IX's December 15, 1994 Approval shall be modified as follows:

> "The total amount of PCB materials and PCB Items at the Facility whether in or outside the designated PCB storage area at no time may exceed 24,000 gallons (3,360 cubic feet) of PCB liquids and PCB wastes nor the quantity whose disposal costs would exceed the estimated cost of disposal of the maximum PCB inventory set forth in Salesco's latest closure cost estimate"

The changes, summarized below, shows the decrease in estimated closure costs due to the reduced storage capacity and decrease for contingency to 6%. The estimates for third party decontamination of the facilities ($36,005) and for miscellaneous expenditures ($4,380) remain unchanged.

SUMMARY OF CLOSURE COST ESTIMATES

	ORIGINAL	AMENDED
Total Disposal Costs	116,075	56,677
Total Decontamination Costs	36,005	36,005
Total Miscellaneous Costs	4,380	4,380
SUBTOTAL	156,460	97,062
Contingency	23, 469	5,824
TOTAL	179,928	102,886

If you have any questions regarding this amendment, please contact Charles Berrey or Yosh Tokiwa of my staff at (415) 744-1117 or (415) 744-1118, respectively.

Sincerely,

David P. Howekamp
Director
Air and Toxics Division

Enclosure:

cc: David K. Hanneman, OPPT

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION IX
75 Hawthorne Street
San Francisco, CA 94105-3901

MAR 3 1 1997

Franklin D. Sales, Jr.
President
Salesco Systems USA, Inc.-AZ
5736 West Jefferson
Phoenix, AZ 85043

Re:: Modification (decrease) in Closure Cost Estimate: Amendment to EPA ID AZD 983473539

Dear Mr. Sales:

This letter is to inform you that EPA Region IX grants your February 6, 1997 request to reduce (Amendment 2) the estimated cost for closure of Salesco Systems USA, Inc.-AZ Commercial PCB Storage facility (EPA ID AZD 983473539) located at 5736 West Jefferson in Phoenix, AZ 85043 from $102,886 to $72, 653.

Your rationale for the reduction in closure cost estimate is based on changes from the PCB waste handling practices that were stipulated in your application for commercial storage and the concomittant reduction in disposal expenses to close the facility as follows:

1. Liquids for incineration would be transported in bulk using tankers instead of shipping in individual drums.

2. Solids for landfills would be shipped in bulk containers (roll-offs) instead of drums.

3. All unprocessed ballasts remaining at the time of closure would be landfilled instead of incinerated.

The table below summarizes the previous and new estimates for a third party to dispose of the PCB wastes as a consequence of these changes. The costs to decontaminate the facilities and the funds for miscellaneous expenditures remain unchanged.

Although you justify the landfilling of ballasts in place of incineration on the basis that you have determined 95% to 98% of the ballasts contain PCBs below 500 ppm, 40 CFR 761 does not prohibit disposal of ballasts in landfills at any concentration.

SUMMARY OF CLOSURE COST ESTIMATES

	11/30/95	3/30/97
Incineration Costs Landfill Costs	21,974 34,703	12,693 14,960
Total Decontamination Costs	36,005	36,005
Total Micellaneous Costs	4,380	4,380
SUBTOTAL	97,062	68,038
Contingency	5,824	4,083
TOTAL	102,886	72,121

If you have any questions regarding this amemdment, please contact Yosh Tokiwa of my staff at (415) 744-1118.

Sincerely,

Paula Bisson

Paula Bisson
Chief
Toxics Section
Pesticides and Toxics Branch
Cross Media Division

cc: David K. Hanneman, OPPT

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION IX
75 Hawthorne Street
San Francisco, CA 94105-3901

OCT 28 1998

Franklin D. Sales, Jr.
President
Salesco Systems USA, Inc.-AZ
5736 West Jefferson
Phoenix, AZ 85043

Re:: Modification (decrease) in PCB Storage Capacity and Closure Cost Estimate: Amendment to EPA ID AZD 983473539

Dear Mr. Sales:

This letter approves Salesco's August 28, 1998 request to amend EPA Region IX's Approval (EPA ID AZD 983473539) for commercial PCB storage which was issued December 15, 1994 to Salesco Systems USA, Inc.-AZ located at 5736 West Jefferson in Phoenix, AZ 85043. The amendment reduces Salesco's maximum storage of PCB materials and PCB items that can be stored onsite from 18,000 gallons to 7,645 gallons with a concomitant decrease in the closure trust fund from $72,121 to $52,703.

The reduction in the trust fund's dollar amount summarized below reflects the decrease in PCB materials being stored on-site and the elimination of decontamination costs for the now permanently closed two on-site, storm drain drywells which were never used. The expenditures for miscellaneous costs ($4,380) remain unchanged.

SUMMARY OF CLOSURE COST ESTIMATES

	Feb 1997	Aug 1998
Total Disposal Costs	27,653	15,045
Total Decontamination Costs	36,005	30,295
Total Miscellaneous Costs	4,380	4,380
SUBTOTAL	68,038	49.720
Contingency	4,083	2,983
TOTAL	72,121	52,703

If you have any questions regarding this amendment, please contact Max Weintraub at 415/744-1129 or Yosh Tokiwa at (415) 744-1118.

Sincerely,

Paula Bisson

Paula Bisson
Chief
Toxics Section

Enclosure:

cc: David K. Hanneman, OPPT, US EPA

APPENDIX B – TSCA SECTION 6(E) PCB COMMERCIAL STORAGE RENEWAL APPLICATION, REVISION 10, JUNE 2015

Appendix B is available in the local and EPA Region 9 repositories as well as online at:
http://www.epa.gov/region9/pcbs/disposal/veolia

APPENDIX C – NOTICE OF DEFICIENCIES AND RESPONSES

Notice of Deficiency #1

(August 17, 2009)

Notice of Deficiency
Application for Approval to Operate a Commercial PCB Waste Storage Facility for Veolia Environmental Services, Revision 6, June 2009 Toxic Substances Control Act ("TSCA Application") August 17, 2009

Key Concerns

1. <u>Need for Comprehensive Facility Operating Plan</u> - Operational procedures and plans for the facility are spread throughout the TSCA Application. In some cases, key areas such as site inspections and recordkeeping and reporting are not discussed in the main part of the TSCA Application, but instead are only mentioned in documents included in the appendices. For example, site inspection of the storage areas is only discussed in the Spill Prevention, Control, and Countermeasure (SPCC) Plan contained in Appendix G. Please consider creating a single facility operating plan that will consolidate the procedures and protocols used for everyday operations at the site. The Contingency Plan and SPCC Plan as well as any other standard plans can all be summarized in an overall Facility Operating Plan and included as an appendix to the document. The Facility Operating Plan should be submitted as part of the TSCA Application.

2. <u>Reporting and Recordkeeping Plan Needed</u> - The Application does not address the Toxic Substances Control Act (TSCA) requirements for reporting and recordkeeping that apply to facilities that generate, transport, and store PCBs, PCB Items and PCB waste materials. There is no discussion in the TSCA Application of annual records, annual document logs, manifests, manifest discrepancies, special reports, and exception reports. Please revise the TSCA Application to include a recordkeeping and reporting plan that meets the applicable requirements contained in 40 CFR § 761.180, 40 CFR § 761.205 (f), 40 CFR § 761.207, 40 CFR § 761.208, 40 CFR § 761.209, 40 CFR § 761.210, 40 CFR § 761.211, 40 CFR § 761.215, and 40 CFR § 761.218. The reporting and recordkeeping plan should be included in the appendices along with a new section in the main TSCA application that summarizes how the applicable requirements are satisfied.

3. <u>Financial Assurance Mechanism</u> - The TSCA Application contains a financial assurance mechanism in Appendix K. The financial assurance mechanism is a trust agreement dated January 1, 2003 for $148,620. The closure cost estimate contained in Appendix J is for $221,072. The grantor listed in the trust agreement is Onyx Special Services, Inc. The financial assurance trust agreement should be updated to list Veolia ES Technical Services, LLC as the grantor and the dollar amount increased to be consistent with the most current closure cost estimate. In addition, the financial assurance mechanism should be discussed in the main part of the TSCA Application with references to the detailed documents contained in Appendix K.

General Comments

4. Consolidation of TSCA Application - Some of the appendices used in the June 2009 TSCA Application are contained in a 2005 submittal. Please revise the TSCA Application and consolidate all of the appendices into the current version.

5. Renewal of TSCA Approval - Title and Introduction. The title and introduction indicate that Veolia ES Technical Services, LLC (VES) is seeking an Approval under the Toxic Substances Control Act (TSCA) to store and manage PCB wastes. The facility has an existing Approval under TSCA that was issued by the U.S. Environmental Protection Agency in 1994. As such, this application is for a renewal of the 1994 Approval. The title and introduction should be revised to indicate that this application is for a renewal of the existing TSCA Approval.

6. Summary Table of PCB Units - Scope of TSCA Application. Please include an additional section that summarizes the scope of TSCA Application. The section should include a table that summarizes all of the units in the TSCA Application that are proposed to store and manage PCB wastes. The table should identify the unit, describe what the unit does, specify the applicable dimensions such as length, width, and/or height, specify allowable volumes of waste, identify where it is located and provide a reference where it is discussed in the TSCA Application.

7. Summary Table for Reporting Submittals - Please include a table that summarizes the regulatory agency reporting requirements. The table should include, at a minimum, the name of the report, what is contains, when it is to be submitted, and which agency will receive a copy. There are also oral and written reporting requirements contained in the Contingency Plan, Closure Plan, and SPCC Plan. Please update the individual plans as appropriate to include U.S. EPA as a recipient of required reports and notifications.

8. Facility Inspection Program Description Needed - Page 7, Section 2.5, Compliance Programs. Section 2.5 does not discuss or reference facility inspections. The Storage discussion of Section 3.4.2, PCB and non-PCB Ballast Processing Activities, indicates that ballast containing drums can be inspected on a daily basis, but provides no other detail. A more thorough discussion of facility inspections is included in Section 2.8 of the SPCC Plan which is contained in Appendix G. Please include a section in the main TSCA Application that discusses the procedures, schedule and record keeping requirements for the full facility inspection program. The discussion may include references to the SPCC Plan or other applicable documents.

9. Expanded Facility Description Needed - Page 8, Section 3.0, Details of Commercial Storage Facility. Section 3.0 does not contain sufficient information on the facility description (e.g., number of buildings, summary of site conditions and operations). Please include an additional section or revise the current text to include additional detail on the facility. Some of this information is already contained in Sections 4.1 and 4.2 of the Closure Plan and could be summarized in Section 3.0.

10. Commercial Storage Facilities, Marking Requirements - Page 8, Section 3.0, Details of Commercial Storage Facility. 40 C.F.R. § 761.65(c)(3) requires that "[a]ny storage area subject to the requirements of paragraph (b) or paragraph (c)(1) of this section shall be marked as required in Subpart C §761.40(a)(10)." Please address this requirement in the TSCA Application.

11. Compliance Certification Language - Page 9, Section 3.2.1, Compliance Certification. 40 C.F.R. § 761.65(d)(2)(iii) requires that "[T]he owner or operator of the unit has certified compliance with the storage facility standards in paragraphs (b) and (c)(7) of this section." The language provided in Section 3.2.1 is important because it certifies that the information contained in the overall TSCA Application is true, accurate, and complete. However, it does not certify compliance with the storage facility standards. Please keep the overall certification language currently located in Section 3.2.1 and move it to a new location at the beginning of the TSCA Application. Also, please insert new language into Section 3.2.1 that certifies compliance with the storage facility standards as required in 40 C.F.R. § 761.65(d)(2)(iii). Please consider the following certification language as a suggestion:

> "Pursuant to 40 C.F.R. § 761.65(d)(2)(iii) and under the possibility of 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 hereby certify, as the owner or operator of the unit at issue, that the Veolia ES Technical Solutions, LLC facility located at 5736 West Jefferson Street, Phoenix, Arizona is in compliance with the storage facility standards for PCBs specified at 40 C.F.R. §§ 761.65(b) and 761.65(c)(7)."

12. Floor Drain Discussion Needed - Page 12, Section 3.2.3.2, Facility Flooring and Secondary Containment. Please update Section 3.2.3.2 to include information on floor drains. The floor drain information is already contained in the Closure Plan. Section 4.1.3 of the Closure Plan states that "Floor drains, sanitary sewer discharges, or other types of collection lines that could contaminate sewers and sewage treatment plants do not exist in the areas where storage or processing occurs." This information should be included in Section 3.2.3.2.

13. Unclear Where PCB Wastes are Managed at the Facility - Page 14, Section 3.4, PCB Ballast and Equipment Recycling. Section 3.4 contains inconsistencies in regard to where PCBs are managed at the facility. Figure 5B, Proposed Layout Modifications, contains modified floor plans for Buildings 2 and 3. It appears, from comparing Figures 5, 5B, and 10, that all of the PCB processing operations are proposed to take place throughout Building 3. The proposed modification is not discussed in Section 3.4. The text in Section 3.4 references Figure 10 and indicates that all of the PCB processing will take place just in the ballast processing area of Building 3. Figure 10 shows an area labeled "Ballast Processing" but there is no reference to a PCB equipment processing area. Please clarify where PCB wastes will

be managed at the facility and the status of the proposed modification. Also, please update the figures as necessary to reflect the current floor plans of the buildings.

14. <u>Scope and Status of Secondary Containment Construction Unclear</u> - Page 14, Section 3.4.1, Ballast and PCB Equipment Processing Area. Section 3.4.1 indicates that Veolia ES Technical Solutions, LLC (VES) "will" enclose the ballast processing area within Building 3 with a six-inch high containment curb and hire a third party contractor to apply epoxy flooring to the area that is resistant to PCB contamination. It is not clear from the discussion if the work is planned or has already been completed. The scope of the construction is also not clear. Figure 5B, Proposed Layout Modifications, shows a revised floor plan where it appears that all PCB processing operations will take place in Building 3. If this is the case, will the entire Building 3 be enclosed with a curb and have epoxy flooring? Please revise the text in Section 3.4.1. to indicate the status and scope of the construction work.

15. <u>Decontamination of Movable Equipment</u> - Page 14, Section 3.4, PCB Ballast and Equipment Recycling; and Page 21, Section 3.5, PCB and PCB Contaminated Equipment Recycling. With the possible exception of the Ballast Processing Area in Building 3, Veolia ES Technical Services, LLC (VES) uses fabricated steel pods with bermed sides to achieve secondary containment for drums, totes and other items containing PCB liquids. 40 C.F.R. §761.65(c)(4) requires that "[N]o item of movable equipment that is used for handling PCBs and PCB Items in the storage units and that comes in direct contact with PCBs shall be removed from the storage unit area unless it has been decontaminated as specified in §761.79." How are the requirements of 40 C.F.R. §761.65(c)(4) satisfied if movable equipment such as a fork lift is used to move drums and totes from one containment pod to another and having to cross uncontained areas? What measures are being taken to minimize the possibility for cross contamination? Please revise Sections 3.4 and 3.5 to address these concerns.

16. <u>PCB Container Requirements</u> - Page 14, Section 3.4, PCB Ballast and Equipment Recycling and Page 21, Section 3.5, PCB and PCB Contaminated Equipment Recycling. The TSCA Application does not discus how the requirements of 40 C.F.R. § 761.65(c)(6) and 40 C.F.R. § 761.65(c)(7)(i) for storage and transport containers are addressed. Please revise the text to address the PCB container requirements.

17. <u>Processing PCB Contaminated Equipment</u> - Page 21, Section 3.5, PCB and PCB Contaminated Equipment Recycling. Section 3.5 discusses how PCB contaminated electrical equipment is processed at the facility. PCB containing fluids from the electrical equipment are drained and stored for disposal. Depending on the PCB concentration, some pieces of electrical equipment may undergo a decontamination process using a solvent. It is not clear from the discussion what types of electrical equipment are processed (e.g., transformers), where at the facility the fluid draining process takes place, the equipment used in the draining process and where the drained liquids and spent solvents are stored prior to disposal. Please revise the text of Section 3.5 to include this information. The revised text should reference applicable

figures such as possibly Figure 5B, Proposed Layout Modifications, which shows a transformer process area in Building 3.

18. PCB Storage Operations and Other Wastes - Page 23, Section 4, Closure Plan. The Closure Plan, which is dated June 2009, describes the procedures (e.g., decontamination) that Veolia ES Technical Services, LLC will follow to close the facility. 40 C.F.R. § 761.65(e)(1)(ii) requires that the facility closure plan include "[a]n identification of the maximum extent of storage operations that will be open during the active life of the facility, including an identification of the extent of PCB storage operations at the facility relative to other wastes that will be handled at the facility." The Closure Plan does not identify the extent of PCB storage operations relative to other wastes (e.g., RCRA) that are handled at the facility. Please revise the Closure Plan to include this information.

19. Closure Soil Sampling in Dry Wells - Page 33, Closure Plan, Table 4 - PCB Area Classification and Appendix J, Third Party Cost for Statistical Sampling and Closure Cost Certification. The number of soil samples for dry wells stated in the Closure Plan is not consistent with what is stated in the Closure Cost Estimate (Appendix J). Tables 4 of the Closure Plan states that the sampling protocol for each drywell is as follows: "6 samples; three each from 2- and 4- foot depths and composite to 2 samples for analysis (2)." The closure cost estimate in Appendix J indicates that two soil samples will be collected for each dry well (see Item 6, Third Party Cost for Statistical Sampling and Closure Cost Certification).

20. Soil Sampling Depths for Drywells - Page 33, Closure Plan, Table 4 - PCB Area Classification. Table 4 indicates that during site closure soil samples will be taken at the 2- and 4- foot depths in the dry wells. Since the contaminants of concern are not volatile (e.g., PCBs), U.S. EPA believes that taking discrete soil samples at the 0-1 foot depth and the 2-3 foot depth would provide a better characterization of potential contamination in the drywells. Please update the Closure Plan including Table 4 to indicate that soil samples in the dry wells will be taken at the 0-1 foot depth and 2-3 foot depth.

21. Composite Samples Not Applicable for Closure - Page 44, Section 5, Closure Cost Estimate and Appendix J. The closure cost estimate for media analysis detailed in Appendix J includes composite sampling. Table 3 - Sample Basis indicates that a total of 945 samples will be taken and composited (mixed) into 447 samples that will be analyzed at a laboratory. The purpose of these media samples is to characterize and confirm that the facility has been decontaminated to below applicable action levels. Composite samples tend to dilute and average concentrations over an area such that exceedances of the action levels may not be detected. Please revise the closure plan and cost estimate to include individual samples without compositing.

22. Secondary Containment Calculations - Displacement Volume - Appendix E, Page 3-4, Section 3.2. The secondary containment calculations account for the

displacement volume of 55-gallon drums, but do not consider displacement for 300 gallon totes. Please explain why displacement is included in one instance and not the other. U.S. EPA prefers considering the displacement in both cases as this approach is most protective.

23. Examples of Secondary Containment Calculations Needed - Appendix E, Page 3-4, Section 3.2. Please revise Appendix E to include examples showing how the available and required volumes are calculated for the containment pods including any assumptions (e.g., dimensions of 55-gallon drum).

24. Rainwater Volume Should be Included for Secondary Containment Calculations - Appendix E. Section 3.2.5 of the TSCA Application states that "Any PCB articles or PCB equipment stored outside will be placed in secondary containment that is large enough to contain all PCB liquids plus the rainfall from a 25-year 24 hour storm event." Secondary containment calculations contained in Appendix E do not consider or discuss rainfall. Please revise the calculations in Appendix E to consider rainfall for any secondary containment pods that will be used outside.

25. Review/Update Needed for Spill Prevention, Control, and Countermeasures Plan - Appendix G, The SPCC Plan (SPCC) is dated September 2003 and should be reviewed and updated if necessary to ensure that the emergency contact information and inspection protocols are still accurate. If the SPCC Plan is updated, the facility name should be changed from Onyx to Veolia Environmental Services.

26. Containment for North Side of Facility - Spill Prevention, Control, and Countermeasures Plan - Appendix G, Sections 3.1 and 3.4. The discussion of spill retention needs clarification because there are inconsistencies between what is stated in Section 3.1, Facility Drainage and Section 3.4, Facility Truck Loading/Unloading Facilities. Section 3.4 discusses how PCB containing fluids are transferred from storage totes into tanker trucks. Section 3.4 reads "Transfer occurs through vacuum hose and there is no piping associated with this transfer operation. The area adjacent to these transfer operations slopes north toward the on-site retention basin. Should there be a spill event that is not captured within the secondary containment bins, spillage would flow to the retention basin…." This is not consistent with Section 3.1 which states that containment on the north side of the facility consists of a depression or low point running east to west and that the on-site dry wells (retention basins) have been sealed. Please revise Sections 3.1 and 3.4 to clarify the nature of the containment system and the status of the retention basins. Also, please indicate if the perimeter of the north side of the facility is bermed and update Figure 2 to show pertinent containment features (e.g., retention basins). This is important since any accidental spills of PCB contaminated liquids from a tanker truck would likely be in the north area of the facility.

27. Expired Liability Insurance - Appendix I, Insurance Certificate. The liability insurance certificate provided in Appendix I indicates that the policy expired in 2004.

Please provide current proof of liability insurance for both sudden and accidental as well as non-sudden accidental occurrences.

Minor Changes

28. <u>Emergency Response Plan/Contingency Plan</u> - Page 7, Section 2.5, Compliance Programs. The Compliance Program section references an "Emergency Response Plan" in Appendix F. Appendix F contains the Contingency Plan. Please update the language in Section 2.5 to indicate that the Contingency Plan is contained in Appendix F.

29. <u>Copy of Closure Cost Estimate at Facility</u> - Page 44, Section 5, Closure Cost Estimate. Section 5 does not indicate that a copy of the closure cost estimate will be kept at the facility as required in 40 C.F.R. § 761.65(f)(4). 40 C.F.R. § 761.65(f)(4) requires that "[T]he owner or operator of the facility shall keep at the facility during its operating life the most recent closure cost estimate, including any adjustments resulting from inflation or from modifications to the closure plan." Please revise Section 5 to address this comment.

30. <u>Page Numbers for Contingency Plan</u> - Appendix F. Please add page numbers to the Contingency Plan.

Notice of Deficiency #2

(January 4, 2011)

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION IX
75 Hawthorne Street
San Francisco, CA 94105

January 4, 2011

Mr. James D. Harrison
Operations Manager
Veolia ES Technical Solutions, L.L.C.
5736 W. Jefferson Street
Phoenix, AZ 85043

RE: U.S. EPA Evaluation of Response to Notice of Deficiency (dtd August 17, 2009) for Application for TSCA Section 6(e) PCB Commercial Storage Approval, Revision 6, dated June 16, 2009 and Second Notice of Deficiency for Application for TSCA Section 6(e) PCB Commercial Storage Approval, Revision 6, dated July 21, 2010 for Veolia ES Technical Solutions, L.L.C., 5736 West Jefferson Street, Phoenix, AZ 85043; EPA ID AZ0 000 337 360

Dear Mr. Harrison:

Thank you for your letter of July 21, 2010 transmitting to us a revised Application for the TSCA Section 6(e) PCB Commercial Storage Approval, Revision 6, dated July 21, 2010 ("TSCA Application"). The TSCA Application included revisions made to address the U.S. Environmental Protection Agency ("U.S. EPA") August 17, 2009 Notice of Deficiency ("August 2009 NOD") comments.

U.S. EPA has completed its review of the revised TSCA Application and has prepared an evaluation of Veolia's response to the August 2009 NOD (see Attachment 1). We have also prepared a second Notice of Deficiency dated January 4, 2011 ("January 2011 NOD") with completely new comments (see Attachment 2).

Most of the 30 comments in the August 2009 NOD were adequately addressed by Veolia and require no further response. However, Comments 1, 2, 3, 7, 14, 21, 24, and 28 require additional resolution and/or clarification. Please refer to Attachment 1 for complete details.

The January 2011 NOD contains 14 new comments that raise several key concerns as well as a few minor comments and changes. Please refer to Attachment 2 for a complete discussion and U.S. EPA recommendations. The key concerns can be summarized briefly as follows:

- Need for Single Stand-Alone Closure Plan - The July 2010 TSCA Application discusses the facility closure process in Section 4.0, Closure Planning, but does not contain a single stand-alone plan. A single stand-alone Facility Closure Plan is needed as required in 40 C.F.R. § 761.65(d)(2)(iv) before U.S. EPA can approve the TSCA renewal. The stand-alone Facility Closure Plan should be summarized in the TSCA Application and included as one of the Appendices.

- Facility Storage Capacity - The proposed facility storage capacity of 52,285 gallons discussed in Section 1.1 is not consistent with the allowed total volume of 79,720 gallons listed for regulated units in Table 1-2, which lists all of the regulated units and their allowed storage capacities.

- Table 1-1, Permitted Capacity - Table 1-1 lists the typical PCB waste inventory that is likely to be at the facility. A footnote to the table indicates that the typical inventory "is not intended to be interpreted as a maximum quantity for any specific type of PCB waste stream." The title of Table 1-1 is "Permitted Capacity" which implies that the table contains legal limits.

- Statistical Analysis of Closure Sampling Results - The proposed statistical approach is not acceptable for determining if the closure standards have been achieved. Each individual sample result must be compared to the applicable PCB standard.

- Sampling of Performance-Based Solution - The TSCA regulations at 40 C.F.R. § 761.79(d)(2) allow solvents to be reused for decontamination as long as the PCB concentration is below 50 ppm. Veolia's proposed approach does not account for the possibility that PCB concentrations in the performance-based solution could exceed 50 ppm in less than one week.

- Appendix I - The closure cost estimate does not account for removing the maximum storage volume allowed for by the TSCA Approval. The facility storage capacity question raised above should be resolved before revising the closure cost estimate.

The January 2011 NOD is issued under the authority of 40 C.F.R. §§ 761.65(d)(3) and (d)(4). Please revise the TSCA Application to address the outstanding August 2009 NOD Evaluation Comments and the January 2011 NOD, and submit a revised Application to U.S. EPA within 60 calendar days of the receipt of this letter. We cannot process Veolia's TSCA Application until we have received the requested revisions. U.S. EPA retains its discretion to propose conditions as part of the TSCA Approval which differ from those included as part of the revised TSCA Application.

Please submit two hard copies (double-sided copies, please) and one electronic copy of

the revised Application and your responses to both the August 2009 and January 2011 NODs to the new project manager, Ronald Leach, at the following address:

Ronald Leach, Project Manager
RCRA Corrective Action Office (WST-5)
Waste Management Division
U.S. EPA Region 9
75 Hawthorne Street
San Francisco, CA 94105-3920
(415) 972-3362

Ron has assumed management of this project effective today, January 4, 2011, while I am on a detail assignment here in the U.S. EPA Region 9 Water Division. Should you have any questions or concerns, please do not hesitate to contact Ron at the above contact information.

Sincerely,

//signed// 01/04/2011

Susanne Perkins
RCRA Project Manager
RCRA Facilities Management Office
Waste Management Division

Enclosures:

Attachment 1 – U.S. EPA Evaluation of Veolia response to August 17, 2009 Notice of Deficiency

Attachment 2 – Second Notice of Deficiency, dated January 4, 2010

CC: (with enclosures):

Mr. Anthony C. Leverock
Manager, Hazardous Waste Permits Unit
AZ Department of Environmental Quality
1110 West Washington Street
Phoenix, AZ 85007

Mr. Wayne Bulsiewicz
EHS Manager
Veolia ES Technical Solutions, L.L.C.
5736 W. Jefferson Street
Phoenix, AZ 85043

Veolia Administrative Record File (RCRA Records Center)

Susanne Perkins, WST-4

Ronald Leach, WST-5

Attachment 1

U.S. EPA Evaluation of Response to Notice of Deficiency Comments dated August 17, 2009
Veolia ES Technical Solutions L.L.C. ("Veolia") - Toxic Substances Control Act Permit Renewal Application dated June 16, 2009 ("TSCA Application")

Key Concerns

1. Need for Comprehensive Facility Operating Plan - Operational procedures and plans for the facility are spread throughout the TSCA Application. In some cases, key areas such as site inspections and recordkeeping and reporting are not discussed in the main part of the TSCA Application, but instead are only mentioned in documents included in the appendices. For example, site inspection of the storage areas is only discussed in the Spill Prevention, Control, and Countermeasure (SPCC) Plan contained in Appendix G. Please consider creating a single facility operating plan that will consolidate the procedures and protocols used for everyday operations at the site. The Contingency Plan and SPCC Plan as well as any other standard plans can all be summarized in an overall Facility Operating Plan and included as an appendix to the document. The Facility Operating Plan should be submitted as part of the TSCA Application.

Veolia Response to Comment 1: Veolia has developed a comprehensive facility operating plan in accordance with Comment 1. The operating plan includes procedures for waste acceptance, storage procedures, processing procedures, and outbound shipment procedures. In addition, it discusses the management of movable equipment and the facility marking protocol. Veolia has used Tables, where practical, to facilitate revisions to its permit renewal application. See Section 3.6 - Operations Plan, Section 3.7 - Facility Greening, Section 3.8 - Inspections Program, and Section 3.9 - Records and Reporting Program.

U.S. EPA Evaluation of Comment 1 Response: Partially Addressed. Section 3.6 indicates that Veolia has developed a Facility Operations Plan that addresses area activities. The elements of the operations plan are discussed in Sections 3.6, 3.8 (Inspections Program) and 3.9 (Records and Reporting Program) but the TSCA Application does not include a single stand-alone plan. It is not clear how sections of the TSCA application will be used to guide everyday operations at the facility.

U.S. EPA recommends that Sections 3.6, 3.8, 3.9 and information from other applicable sections (e.g., contingency planning, personnel training and security measures) be transformed into a single operations plan that is attached as an

appendix to the TSCA Application. A summary of the Facility Operating Plan and all of its elements could then be included in the TSCA Application.

2. Reporting and Recordkeeping Plan Needed - The Application does not address the Toxic Substances Control Act (TSCA) requirements for reporting and recordkeeping that apply to facilities that generate, transport, and store PCBs, PCB Items and PCB waste materials. There is no discussion in the TSCA Application of annual records, annual document logs, manifests, manifest discrepancies, special reports, and exception reports. Please revise the TSCA Application to include a recordkeeping and reporting plan that meets the applicable requirements contained in 40 CFR § 761.180, 40 CFR § 761.205 (f), 40 CFR § 761.207, 40 CFR § 761.208, 40 CFR § 761.209, 40 CFR § 761.210, 40 CFR § 761.211, 40 CFR § 761.215, and 40 CFR § 761.218. The reporting and recordkeeping plan should be included in the appendices along with a new section in the main TSCA application that summarizes how the applicable requirements are satisfied.

Veolia Response to Comment 2: A reporting and recordkeeping plan has been developed for the facility in accordance with the details provided in Comment 2. The Plan includes a general overview/ plan description and captures the records and reporting requirements in Table format. See Section 3.9, Records and Reporting Program.

U.S. EPA Evaluation of Comment 2 Response: Partially Addressed. The TSCA Application includes a discussion of records and reporting in Section 3.9, but does not contain a single stand-alone plan. Section 3.9 includes Tables 3-3 and 3.4 which provide a very good summary of all recordkeeping and reporting requirements. However, U.S. EPA is requesting a single stand-alone plan that describes in more detail what is required for recordkeeping and reporting. The single plan would specify what should be included for each required record and report. This information can be taken directly from the regulations. For example, 40 C.F.R. § 761.180(b)(2) specifies all the required elements of an Annual Document Log. The Recording Keeping and Reporting Plan should be discussed in and included as an attachment to the Facility Operations Plan.

3. Financial Assurance Mechanism - The TSCA Application contains a financial assurance mechanism in Appendix K. The financial assurance mechanism is a trust agreement dated January 1, 2003 for $148,620. The closure cost estimate contained in Appendix J is for $221,072. The grantor listed in the trust agreement is Onyx Special Services, Inc. The financial assurance trust agreement should be updated to list Veolia ES Technical Services, LLC as the grantor and the dollar amount increased to be consistent with the most current closure cost estimate. In addition, the financial assurance mechanism should be discussed in the main part of the TSCA Application with references to the detailed documents contained in Appendix K.

Veolia Response to Comment 3: The financial assurance mechanism will be updated at the time that the renewal application is deemed acceptable by EPA, and at which

time a draft permit is developed. Veolia has provided a brief description of the type of financial assurance mechanism proposed, and the amount of the mechanism (based on the revised closure cost estimate); however, the financial assurance mechanism appended to the renewal application will be reflective of the closure cost calculated in accordance with the current (e.g., administratively continued) TSCA Section 6(e) permit. The current estimate is financed for $167,319 and was most recently updated in March 2010. Financial Assurance mechanism replaced with most current mechanism dated March 2010. See Appendix J.

U.S. EPA Evaluation of Comment 3 Response: Partially Addressed. The proposed financial assurance mechanism is not currently funded at a level to cover the full costs of facility closure. The financial assurance mechanism is for $168,406.57 (See Appendix J of TSCA Application) which is not adequate to cover the estimated closure costs of $223,514. 26 (see Appendix I of TSCA Application). Veolia's response to the original comment states that the financial assurance mechanism will be updated when the renewal application is deemed acceptable by U.S. EPA. A fully funded financial assurance mechanism must be included in the TSCA Application before U.S. EPA can deem the Application complete. Financial Assurance for facility closure is required pursuant to 40 C.F.R. § 761.65(d)(2)(v) before U.S. EPA can issue a final approval. 40 C.F.R. § 761.65(d)(2)(v) states that "The owner or operator has included in the application for final approval a demonstration of financial responsibility for closure that meets the financial responsibility standards of paragraph (g) of this section."

General Comments

4. Consolidation of TSCA Application - Some of the appendices used in the June 2009 TSCA Application are contained in a 2005 submittal. Please revise the TSCA Application and consolidate all of the appendices into the current version.

Veolia Response to Comment 4: Veolia has consolidated specific Appendices, and previously forwarded its proposed Table of Contents/Draft Outline for the revised permit application for EPA review. See Appendices Listing in Application TOC.

U.S. EPA Evaluation of Comment 4 Response: Comment Adequately Addressed.

5. Renewal of TSCA Approval - Title and Introduction. The title and introduction indicate that Veolia ES Technical Services, LLC (VES) is seeking an Approval under the Toxic Substances Control Act (TSCA) to store and manage PCB wastes. The facility has an existing Approval under TSCA that was issued by the U.S. Environmental Protection Agency in 1994. As such, this application is for a renewal of the 1994 Approval. The title and introduction should be revised to indicate that this application is for a renewal of the existing TSCA Approval.

Veolia Response to Comment 5: Veolia has revised the Introduction to the permit application to clarify that this is a renewal effort. Introduction Section revised to include

four subsections including: Introduction and Stated Purpose, Certification Statements, PCB Summary Table, and Regulatory Contact Information. See Section 1.0 - Introduction.

U.S. EPA Evaluation of Comment 5 Response: Comment Adequately Addressed.

6. Summary Table of PCB Units - Scope of TSCA Application. Please include an additional section that summarizes the scope of TSCA Application. The section should include a table that summarizes all of the units in the TSCA Application that are proposed to store and manage PCB wastes. The table should identify the unit, describe what the unit does, specify the applicable dimensions such as length, width, and/or height, specify allowable volumes of waste, identify where it is located and provide a reference where it is discussed in the TSCA Application.

Veolia Response to Comment 6: Veolia has developed a summary table that is presented in the Introduction of the application. See Section 1.3 - PCB Summary Table.

U.S. EPA Evaluation of Comment 6 Response: Comment Adequately Addressed.

7. Summary Table for Reporting Submittals - Please include a table that summarizes the regulatory agency reporting requirements. The table should include, at a minimum, the name of the report, what is contains, when it is to be submitted, and which agency will receive a copy. There are also oral and written reporting requirements contained in the Contingency Plan, Closure Plan, and SPCC Plan. Please update the individual plans as appropriate to include U.S. EPA as a recipient of required reports and notifications.

Veolia Response to Comment 7: Veolia has revised the application to include a Recordkeeping and Reporting Plan within the submittal. The application provides an overview of the reporting process and includes a Table that outlines the various generator, transporter, and storage reporting requirements applicable to the facility. See Section 3.9, Records and Reporting Program.

U.S. EPA Evaluation of Comment 7 Response: Partially Addressed. The Contingency Plan was not updated to include U.S. EPA as one of the agencies to notify in the event of an emergency.

8. Facility Inspection Program Description Needed - Page 7, Section 2.5, Compliance Programs. Section 2.5 does not discuss or reference facility inspections. The Storage discussion of Section 3.4.2, PCB and non-PCB Ballast Processing Activities, indicates that ballast containing drums can be inspected on a daily basis, but provides no other detail. A more thorough discussion of facility inspections is included in Section 2.8 of the SPCC Plan which is contained in Appendix G. Please include a section in the main TSCA Application that discusses the procedures, schedule and record keeping requirements for the full facility inspection program. The discussion may include references to the SPCC Plan or other applicable documents.

Veolia Response to Comment 8: Veolia has revised the application to include the details of its facility inspection program. The information related to inspection procedures and protocols is presented within a designated section of the permit renewal application, and includes an example inspection checklist. See Section 3.8 - Inspections Program and Appendix E of the SPCC Plan.

U.S. EPA Evaluation of Comment 8 Response: Comment Adequately Addressed.

9. Expanded Facility Description Needed - Page 8, Section 3.0, Details of Commercial Storage Facility. Section 3.0 does not contain sufficient information on the facility description (e.g., number of buildings, summary of site conditions and operations). Please include an additional section or revise the current text to include additional detail on the facility. Some of this information is already contained in Sections 4.1 and 4.2 of the Closure Plan and could be summarized in Section 3.0.

Veolia Response to Comment 9: Veolia has provided an expanded facility description and has consolidated this information in one location within the permit application. Veolia has included a summary table that outlines the types of activities conducted within each building subject to the permit. Sections 3.0 and 4.0 have been revised. Section 3.0 now contains detailed facility description information as required by 40 CFR 761.65. Section 4.0 only contains a brief summary of facility descriptions, and refers the reader to Section 3.0 for detailed descriptions. Descriptive Tables have been added to summarize the locations and types of PCB activities occurring at the facility. See Section 3.1 - Location, Section 3.2 - Hours of Operation, Section 3.3 - General Layout, Section 3.4 - Environmental Conditions, and Section 5 - Facility Design Standards.

U.S. EPA Evaluation of Comment 9 Response: Comment Adequately Addressed.

10. Commercial Storage Facilities, Marking Requirements - Page 8, Section 3.0, Details of Commercial Storage Facility. 40 C.F.R. § 761.65(c)(3) requires that "[a]ny storage area subject to the requirements of paragraph (b) or paragraph (c)(1) of this section shall be marked as required in Subpart C §761.40(a)(10)." Please address this requirement in the TSCA Application.

Veolia Response to Comment 10: PCB marking requirements are discussed in detail within the facility Operations Plan. See Section 3.6.11 - Marking.

U.S. EPA Evaluation of Comment 10 Response: Comment Adequately Addressed.

11. Compliance Certification Language - Page 9, Section 3.2.1, Compliance Certification. 40 C.F.R. § 761.65(d)(2)(iii) requires that "[T]he owner or operator of the unit has certified compliance with the storage facility standards in paragraphs (b) and (c)(7) of this section." The language provided in Section 3.2.1 is important because it certifies that the information contained in the overall TSCA Application is true, accurate, and complete. However, it does not certify compliance with the storage facility standards. Please keep the overall certification language currently located in Section

3.2.1 and move it to a new location at the beginning of the TSCA Application. Also, please insert new language into Section 3.2.1 that certifies compliance with the storage facility standards as required in 40 C.F.R. § 761.65(d)(2)(iii). Please consider the following certification language as a suggestion:

> "Pursuant to 40 C.F.R. § 761.65(d)(2)(iii) and under the possibility of 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 hereby certify, as the owner or operator of the unit at issue, that the Veolia ES Technical Solutions, LLC facility located at 5736 West Jefferson Street, Phoenix, Arizona is in compliance with the storage facility standards for PCBs specified at 40 C.F.R. §§ 761.65(b) and 761.65(c)(7)."

Veolia Response to Comment 11: Veolia has moved its permit application certification language to the Introduction section of the permit renewal application. Further, it has developed certification language, in accordance with 40 CFR761.65(d)(2)(iii) to certify its storage facility standards. This latter certification language is consistent with the definition of "certification" found at 40 CFR 761.3. Certification language in accordance with the definition of certification provided at 40 CFR 761.3 has been developed and consolidated in one location within the renewal application. Descriptive language identifying the nature of each certification is also provided. See Section 1.2 - Certification Statements.

U.S. EPA Evaluation of Comment 11 Response: Comment Adequately Addressed.

12. Floor Drain Discussion Needed - Page 12, Section 3.2.3.2, Facility Flooring and Secondary Containment. Please update Section 3.2.3.2 to include information on floor drains. The floor drain information is already contained in the Closure Plan. Section 4.1.3 of the Closure Plan states that "Floor drains, sanitary sewer discharges, or other types of collection lines that could contaminate sewers and sewage treatment plants do not exist in the areas where storage or processing occurs." This information should be included in Section 3.2.3.2.

Veolia Response to Comment 12: Veolia has included a floor drain discussion within the facility design section of the renewal application. Please note that the renewal application has been completely revised such that current section references may not align with former section references. Section 3.2.3.2 is no longer a relevant reference. Floor drains are discussed under Facility Design Standards at Section 3.5.2. See Section 3.5.2 - Flooring and Floor Drains.

U.S. EPA Evaluation of Comment 12 Response: Comment Adequately Addressed.

13. Unclear Where PCB Wastes are Managed at the Facility - Page 14, Section 3.4, PCB Ballast and Equipment Recycling. Section 3.4 contains inconsistencies in

regard to where PCBs are managed at the facility. Figure 5B, Proposed Layout Modifications, contains modified floor plans for Buildings 2 and 3. It appears, from comparing Figures 5, 5B, and 10, that all of the PCB processing operations are proposed to take place throughout Building 3. The proposed modification is not discussed in Section 3.4. The text in Section 3.4 references Figure 10 and indicates that all of the PCB processing will take place just in the ballast processing area of Building 3. Figure 10 shows an area labeled "Ballast Processing" but there is no reference to a PCB equipment processing area. Please clarify where PCB wastes will be managed at the facility and the status of the proposed modification. Also, please update the figures as necessary to reflect the current floor plans of the buildings.

Veolia Response to Comment 13: See response to items 1 and 9 above. Veolia has included a PCB unit Table and a facility description Table within the renewal application. Veolia will strive to ensure that supporting figures and diagrams are consistent with the information presented in the table. See Section 1.3 - Summary Table of PCB Units, Table 3-1 PCB Utilization Table, Table 3-2 - Summary of PCB Activities Table, and Figure 4.

U.S. EPA Evaluation of Comment 13 Response: Comment Adequately Addressed.

14. Scope and Status of Secondary Containment Construction Unclear - Page 14, Section 3.4.1, Ballast and PCB Equipment Processing Area. Section 3.4.1 indicates that Veolia ES Technical Solutions, LLC (VES) "will" enclose the ballast processing area within Building 3 with a six-inch high containment curb and hire a third party contractor to apply epoxy flooring to the area that is resistant to PCB contamination. It is not clear from the discussion if the work is planned or has already been completed. The scope of the construction is also not clear. Figure 5B, Proposed Layout Modifications, shows a revised floor plan where it appears that all PCB processing operations will take place in Building 3. If this is the case, will the entire Building 3 be enclosed with a curb and have epoxy flooring? Please revise the text in Section 3.4.1. to indicate the status and scope of the construction work.

Veolia Response to Comment 14: See response to Item 13 above. Veolia has clarified the areas in which specific storage and processing activities occur, and has ensured that details regarding secondary containment are consistent with that presentation. Veolia has not yet installed permanent berming (except for one location); it has clarified where containment pods or permanent berming are utilized, specifically, within Building 3. New language developed to address PCB activities; old section references are no longer relevant. A facility utilization table is provided in Section 3.5.5. See Section 1.3 - Summary Table of PCB Units, Section 3.6.3 - Storage Procedures, Section 3.5 - Facility Design Standards, and Figures 4 and 5.

U.S. EPA Evaluation of Comment 14 Response: Partially Addressed. The TSCA application discusses some proposed changes to Building 3, but does not indicate when the modifications will be made. Are the modifications currently

underway or will they be made after U.S. EPA issues the TSCA Approval? Please update the TSCA application to discuss the timing for the Building 3 modifications.

15. Decontamination of Movable Equipment - Page 14, Section 3.4, PCB Ballast and Equipment Recycling; and Page 21, Section 3.5, PCB and PCB Contaminated Equipment Recycling. With the possible exception of the Ballast Processing Area in Building 3, Veolia ES Technical Services, LLC (VES) uses fabricated steel pods with bermed sides to achieve secondary containment for drums, totes and other items containing PCB liquids. 40 C.F.R. §761.65(c)(4) requires that "[N]o item of movable equipment that is used for handling PCBs and PCB Items in the storage units and that comes in direct contact with PCBs shall be removed from the storage unit area unless it has been decontaminated as specified in §761.79." How are the requirements of 40 C.F.R. §761.65(c)(4) satisfied if movable equipment such as a fork lift is used to move drums and totes from one containment pod to another and having to cross uncontained areas? What measures are being taken to minimize the possibility for cross contamination? Please revise Sections 3.4 and 3.5 to address these concerns.

Veolia Response to Comment 15: Veolia has reviewed its site logistics, and has developed a plan for the management of movable equipment. Veolia anticipates that the dedication of movable equipment to specific facility areas (e.g., the restriction of specific forklifts to PCB areas) will reduce the potential of tracking of PCBs. In addition, the lifts and handling forks of equipment are made from non-porous materials which will allow for manual decontamination of forks and handling equipment components on an as-needed basis and in accordance with 40 CFR 761.79. Processing of Ballasts is no longer proposed under this application; therefore, references to the Ballast areas in the initially posed question are no longer valid references. See Section 3.6.7 - Management of Movable Equipment, and Section 3.7 - Facility Greening Program.

U.S. EPA Evaluation of Comment 15 Response: Comment Adequately Addressed.

16. PCB Container Requirements - Page 14, Section 3.4, PCB Ballast and Equipment Recycling and Page 21, Section 3.5, PCB and PCB Contaminated Equipment Recycling. The TSCA Application does not discus how the requirements of 40 C.F.R. § 761.65(c)(6) and 40 C.F.R. § 761.65(c)(7)(i) for storage and transport containers are addressed. Please revise the text to address the PCB container requirements.

Veolia Response to Comment 16: PCB container requirements are discussed in detail within the Operations Plan (storage procedures section). See Section 3.6.5 - Management of PCB Containers.

U.S. EPA Evaluation of Comment 16 Response: Comment Adequately Addressed.

17. Processing PCB Contaminated Equipment - Page 21, Section 3.5, PCB and PCB Contaminated Equipment Recycling. Section 3.5 discusses how PCB contaminated electrical equipment is processed at the facility. PCB containing fluids from the electrical equipment are drained and stored for disposal. Depending on the PCB concentration, some pieces of electrical equipment may undergo a decontamination process using a solvent. It is not clear from the discussion what types of electrical equipment are processed (e.g., transformers), where at the facility the fluid draining process takes place, the equipment used in the draining process and where the drained liquids and spent solvents are stored prior to disposal. Please revise the text of Section 3.5 to include this information. The revised text should reference applicable figures such as possibly Figure 5B, Proposed Layout Modifications, which shows a transformer process area in Building 3.

Veolia Response to Comment 17: Veolia has revised its facility operations plan to include the requested detail. In addition, a Table has been developed to clearly define which types of equipment (e.g., PCB Articles) are being processed at the facility, and where at the facility these activities occur. New Section Added; the reference to Section 3.5 is no longer relevant. Section 3.6 discusses processing procedures. Table 3-2, Summary of PCB Activities, has been developed to specifically identify the types of activities occurring at the facility and the regulatory protocol under which each activity is conducted. See Section 3.6 - Operations Plan, Table 3-1, Facility Utilization, and Table 3-2, Summary of PCB Activities.

U.S. EPA Evaluation of Comment 17 Response: Comment Adequately Addressed.

18. PCB Storage Operations and Other Wastes - Page 23, Section 4, Closure Plan. The Closure Plan, which is dated June 2009, describes the procedures (e.g., decontamination) that Veolia ES Technical Services, LLC will follow to close the facility. 40 C.F.R. § 761.65(e)(1)(ii) requires that the facility closure plan include "[a]n identification of the maximum extent of storage operations that will be open during the active life of the facility, including an identification of the extent of PCB storage operations at the facility relative to other wastes that will be handled at the facility." The Closure Plan does not identify the extent of PCB storage operations relative to other wastes (e.g., RCRA) that are handled at the facility. Please revise the Closure Plan to include this information.

Veolia Response to Comment 18: Closure Plan has been revised to include the requested detail regarding the maximum extent of PCB storage operations. See Section 4.1.4 - Extent of Storage Capacity Relative to Other Materials.

U.S. EPA Evaluation of Comment 18 Response: Comment Adequately Addressed.

19. Closure Soil Sampling in Dry Wells - Page 33, Closure Plan, Table 4 - PCB Area Classification and Appendix J, Third Party Cost for Statistical Sampling and Closure Cost Certification. The number of soil samples for dry wells stated in the Closure Plan is not consistent with what is stated in the Closure Cost Estimate (Appendix J). Tables 4 of the Closure Plan states that the sampling protocol for each drywell is as follows: "6 samples; three each from 2- and 4- foot depths and composite to 2 samples for analysis (2)." The closure cost estimate in Appendix J indicates that two soil samples will be collected for each dry well (see Item 6, Third Party Cost for Statistical Sampling and Closure Cost Certification).

Veolia Response to Comment 19: Veolia has revised its renewal application for closure planning consistency; Veolia has reviewed the closure cost estimate and believes its pricing is consistent with the number of samples analyzed. See Table 4-4, PCB Area Classification has been revised to be consistent with Appendix 1- Closure Cost Estimate. See Table 4-4, PCB Area Classification, and Appendix I - Closure Cost Estimate.

U.S. EPA Evaluation of Comment 19 Response: Comment Adequately Addressed.

20. Soil Sampling Depths for Drywells - Page 33, Closure Plan, Table 4 - PCB Area Classification. Table 4 indicates that during site closure soil samples will be taken at the 2- and 4- foot depths in the dry wells. Since the contaminants of concern are not volatile (e.g., PCBs), U.S. EPA believes that taking discrete soil samples at the 0-1 foot depth and the 2-3 foot depth would provide a better characterization of potential contamination in the drywells. Please update the Closure Plan including Table 4 to indicate that soil samples in the dry wells will be taken at the 0-1 foot depth and 2-3 foot depth.

Veolia Response to Comment 20: Veolia has revised the closure plan for drywell sampling. Table 4-4, PCB Area Classification has been revised to be consistent with Appendix I - Closure Cost Estimate. See Table 4-4, PCB Area Classification and Appendix I - Closure Cost Estimate.

U.S. EPA Evaluation of Comment 20 Response: Comment Adequately Addressed.

21. Composite Samples Not Applicable for Closure - Page 44, Section 5, Closure Cost Estimate and Appendix J. The closure cost estimate for media analysis detailed in Appendix J includes composite sampling. Table 3 - Sample Basis indicates that a total of 945 samples will be taken and composited (mixed) into 447 samples that will be analyzed at a laboratory. The purpose of these media samples is to characterize and confirm that the facility has been decontaminated to below applicable action levels. Composite samples tend to dilute and average concentrations over an area such that exceedances of the action levels may not be detected. Please revise the closure plan and cost estimate to include individual samples without compositing.

Veolia Response to Comment 21: Veolia has revised its closure planning and associated cost estimate to eliminate composite sampling. See Section 4.3.4 and 4.3.5. Veolia has revised its Closure Planning approach to preclude the need for pre-cleanup sampling; post-cleanup verification sampling will be conducted in accordance with EPA guidance documents for self-implementing cleanup and in a manner that does not use composite sampling. See Section 4.3.2 - Cleanup Levels and Section 4.3.5 - Statistical Sampling Protocol.

U.S. EPA Evaluation of Comment 21 Response: Sections 4.3.5.1 and 4.3.5.2 discuss the coordinate-based random sampling approach that Veolia will use to verify that the closure standards have been achieved. Table 4-4, PCB Area Classification, lists all the areas of the site that will be sampled and the associated number and type of samples. Some of the areas described in Table 4-4 are not discussed in the text. Please include a new section or additional text to discuss sampling for areas defined as "miscellaneous high impact and/or stained," additional site drywells (location) and areas under roll-off units. The text should also indicate that the sampling for PCBs will be accomplished as described in Table 4-4.

22. Secondary Containment Calculations - Displacement Volume - Appendix E, Page 3-4, Section 3.2. The secondary containment calculations account for the displacement volume of 55-gallon drums, but do not consider displacement for 300 gallon totes. Please explain why displacement is included in one instance and not the other. U.S. EPA prefers considering the displacement in both cases as this approach is most protective.

Veolia Response to Comment 22: Veolia has recalculated the containment capacities and has included the calculations and any associated assumptions made in performing the calculations. Calculations will be consistent with the protocol established at 40 CFR 761.65(b)(1)(ii). See Appendix C.

U.S. EPA Evaluation of Comment 22 Response: Comment Adequately Addressed.

23. Examples of Secondary Containment Calculations Needed - Appendix E, Page 3-4, Section 3.2. Please revise Appendix E to include examples showing how the available and required volumes are calculated for the containment pods including any assumptions (e.g., dimensions of 55-gallon drum).

Veolia Response to Comment 23: Veolia has provided the calculations and any assumptions made in associated with those calculations. See Appendix C.

U.S. EPA Evaluation of Comment 23 Response: Comment Adequately Addressed.

24. Rainwater Volume Should be Included for Secondary Containment Calculations - Appendix E. Section 3.2.5 of the TSCA Application states that "Any PCB articles or PCB equipment stored outside will be placed in secondary containment that is large enough to contain all PCB liquids plus the rainfall from a 25-year 24 hour storm event." Secondary containment calculations contained in Appendix E do not consider or discuss rainfall. Please revise the calculations in Appendix E to consider rainfall for any secondary containment pods that will be used outside.

Veolia Response to Comment 24: Only two uncovered containment pods are located outside and containment capacities have been calculated based upon the more restrictive TSCA containment guidelines. See Appendix C.

U.S. EPA Evaluation of Comment 24 Response: Not Addressed. Rainfall is not included in the secondary containment calculations for pods B and T as presented in Appendix C, Containment Calculations. Please revise the Appendix C secondary containment calculations for outdoor pods B and T to include rainfall.

25. Review/Update Needed for Spill Prevention, Control, and Countermeasures Plan - Appendix G, The SPCC Plan (SPCC) is dated September 2003 and should be reviewed and updated if necessary to ensure that the emergency contact information and inspection protocols are still accurate. If the SPCC Plan is updated, the facility name should be changed from Onyx to Veolia Environmental Services.

Veolia Response to Comment 25: SPCC plan has been reviewed and revised to reflect current operating conditions. See Appendix E.

U.S. EPA Evaluation of Comment 25 Response: Comment Adequately Addressed.

26. Containment for North Side of Facility - Spill Prevention, Control, and Countermeasures Plan - Appendix G, Sections 3.1 and 3.4. The discussion of spill retention needs clarification because there are inconsistencies between what is stated in Section 3.1, Facility Drainage and Section 3.4, Facility Truck Loading/Unloading Facilities. Section 3.4 discusses how PCB containing fluids are transferred from storage totes into tanker trucks. Section 3.4 reads "Transfer occurs through vacuum hose and there is no piping associated with this transfer operation. The area adjacent to these transfer operations slopes north toward the on-site retention basin. Should there be a spill event that is not captured within the secondary containment bins, spillage would flow to the retention basin…." This is not consistent with Section 3.1 which states that containment on the north side of the facility consists of a depression or low point running east to west and that the on-site dry wells (retention basins) have been sealed. Please revise Sections 3.1 and 3.4 to clarify the nature of the containment system and the status of the retention basins. Also, please indicate if the perimeter of the north side of the facility is bermed and update Figure 2 to show pertinent

containment features (e.g., retention basins). This is important since any accidental spills of PCB contaminated liquids from a tanker truck would likely be in the north area of the facility.

Veolia Response to Comment 26: Veolia believes EPA has misinterpreted the discussion presented in Sections 3.1 and 3.4. The yard to the north of the facility is lower in elevation than the transfer vehicle staging area; thus a spill will flow (via sheet flow) to the north of the facility and accumulate in the low area (e.g., lower in elevation). Please note that, although the drywells are located in the north yard area, they are sealed; thus, fluids would not enter the drywells, but would accumulate in the yard area. A procedure for the transfer of fluids to tanker vehicles will be provided in the facility Operations Plan. A procedure addressing the transfer of fluids is referenced in Section 3.6.8 - Procedure for the Bulk Transfer of Fluids; the actual procedure is located in the SPCC plan document. See Section 3.6.8 - Procedure for Bulk Transfer of Fluids and Appendix E - SPCC plan.

U.S. EPA Evaluation of Comment 26 Response: Comment Adequately Addressed.

27. Expired Liability Insurance - Appendix I, Insurance Certificate. The liability insurance certificate provided in Appendix I indicates that the policy expired in 2004. Please provide current proof of liability insurance for both sudden and accidental as well as non-sudden accidental occurrences.

Veolia Response to Comment 27: Veolia will provide an updated insurance certificate. See Appendix H.

U.S. EPA Evaluation of Comment 27 Response: Comment Adequately Addressed.

Minor Changes

28. Emergency Response Plan/Contingency Plan - Page 7, Section 2.5, Compliance Programs. The Compliance Program section references an "Emergency Response Plan" in Appendix F. Appendix F contains the Contingency Plan. Please update the language in Section 2.5 to indicate that the Contingency Plan is contained in Appendix F.

Veolia Response to Comment 28: Because the RCRA Contingency plan document is primarily a RCRA document, it has been included as Appendix D and is unrevised. A revised SPCC plan has been provided as Appendix E and is the primary contingency planning document for the TSCA operations at the facility. See Appendix E.

U.S. EPA Evaluation of Comment 28 Response: The response indicates that the Spill Prevention, Control, and Countermeasure Plan ("SPCC") is the primary contingency planning document for the TSCA operations. The SPCC plan

addresses only spills and not other types of emergencies (e.g., earthquakes, fires). The RCRA Contingency Plan should be used as the single document for emergency preparedness at the Veolia Facility. It should be updated as necessary to include any applicable provisions of the SPCC Plan. The TSCA Application and the Facility Operations Plan should be revised accordingly to indicate that the RCRA Contingency Plan is the primary emergency planning document for the facility. The RCRA Contingency Plan should be discussed and included as an attachment to the Facility Operations Plan.

29. Copy of Closure Cost Estimate at Facility - Page 44, Section 5, Closure Cost Estimate. Section 5 does not indicate that a copy of the closure cost estimate will be kept at the facility as required in 40 C.F.R. § 761.65(f)(4). 40 C.F.R. § 761.65(f)(4) requires that "[T]he owner or operator of the facility shall keep at the facility during its operating life the most recent closure cost estimate, including any adjustments resulting from inflation or from modifications to the closure plan." Please revise Section 5 to address this comment.

Veolia Response to Comment 29: The renewal application includes text that states that a copy of the closure cost estimate will be retained at the facility in accordance with the regulations. See Section 3.9, Records and Reporting Program.

U.S. EPA Evaluation of Comment 29 Response: Comment Adequately Addressed.

30. Page Numbers for Contingency Plan - Appendix F. Please add page numbers to the Contingency Plan.

Veolia Response to Comment 30: Noted.

U.S. EPA Evaluation of Comment 30 Response: Comment Adequately Addressed.

Attachment 2

Second Notice of Deficiency

January 4, 2011

Veolia ES Technical Solutions L.L.C. ("Veolia") - Toxic Substances Control Act Permit Renewal Application dated July 21, 2010 ("July 2010 TSCA Application")

Key Concerns

1. <u>Need for Single Stand-Alone Closure Plan</u> - The July 2010 TSCA Application discusses the facility closure process in Section 4.0, Closure Planning, but does not contain a single stand-alone plan. A single stand-alone Facility Closure Plan is needed as required in 40 C.F.R. § 761.65(d)(2)(iv) before U.S. EPA can approve the TSCA renewal. 40 C.F.R. § 761.65(d)(2)(iv) states that "The owner or operator has developed a written closure plan for the facility that is deemed acceptable by the Regional Administrator (or the Director, National Program Chemical Division) under the closure plan standards of paragraph (e) of this section." U.S. EPA recommends that the applicable information in Section 4.0 be taken and converted into a stand-alone closure plan. Section 4.0 contains all the required elements of a closure plan. The stand-alone Facility Closure Plan should be summarized in the TSCA Application and included as one of the Appendices.

2. <u>Facility Storage Capacity</u> - Page 1-1, Section 1.1, Introduction and Stated Purpose. The proposed facility storage capacity of 52,285 gallons discussed in Section 1.1 is not consistent with the allowed total volume of 79,720 gallons listed for regulated units in Table 1-2. Table 1-2 lists all of the regulated units and their allowed storage capacities. Please revise the text and tables as appropriate to reconcile the inconsistency (see also Section 4.1.4). Also, please separate the proposed facility storage capacity into gallons for liquids and cubic yards for solids.

3. <u>Table 1-1, Permitted Capacity</u> - Page 1-1, Section 1.1, Introduction and Stated Purpose. Table 1-1 lists the typical PCB waste inventory that is likely to be at the facility. A footnote to the table indicates that the typical inventory "is not intended to be interpreted as a maximum quantity for any specific type of PCB waste stream." The title of Table 1-1 is "Permitted Capacity" which implies that the table contains legal limits. Please change the title of Table 1-1 to "Typical PCB Waste Inventory."

4. <u>Statistical Analysis of Closure Sampling Results</u> - Page 4-12, Section 4.3.5.1, Statistical Sampling Protocol. The last paragraph of Section 4.3.5.1 indicates that the closure sampling results will be compared to the applicable standard using a statistical analysis. Section 4.3.5.1 states that "Statistical analysis will include the calculation of

95% upper confidence limits (UCLs) around random data set means for comparison to the applicable standard." The proposed statistical approach is not acceptable for determining if the closure standards have been achieved. Each individual sample result must be compared to the applicable PCB standard. Please revise Section 4.3.5.1 to indicate that individual sample results will be compared to the standards.

5. Sampling of Performance-Based Solution - Page 3-17, Section 3.6.6.2 Metals Recovery. Section 3.6.6.2 indicates that sampling and analysis of the performance-based solution used to remove PCBs from electrical equipment will occur at the end of each work week in order to measure compliance with 40 C.F.R. § 761.79(d)(2). The TSCA regulations at 40 C.F.R. § 761.79(d)(2) allow solvents to be reused for decontamination as long as the PCB concentration is below 50 ppm. Section 3.6.6.2 also allows the sampling and analysis frequency of the performance-based solution to be adjusted in the future, based upon utilization/longevity rate, to no less than once per month. Veolia's proposed approach does not account for the possibility that PCB concentrations in the performance-based solution could exceed 50 ppm in less than one week. U.S. EPA recommends that Veolia initially start sampling the performance-based solutions twice per week for at least 3 months and possibly make adjustments from there based on how fast the solvent is utilized. As a possible alternative, U.S. EPA suggests that Veolia look into the possibility of using a screening level PCB test in combination with formal laboratory analysis. Veolia should also update the July 2010 TSCA Application to indicate that the performance-based solution testing program for PCBs will be fully documented with appropriate records being kept (e.g., laboratory analytical reports, logs of when (if any) and why sampling frequency changes were made).

6. Appendix I - Closure Cost Estimate. The closure cost estimate does not account for removing the maximum storage volume allowed for by the TSCA Approval. Please revise the cost estimate to include removal and disposal of the maximum liquid volume (gallons) and maximum solids volume (cubic yards) as presented in Section 1.1 and Table 1-2, Summary of Regulated Units. The facility storage capacity question raised in Comment 2 above should be resolved before revising the closure cost estimate.

General Comments

7. Unit Storage Containment Capacity - Page 1-4, Table 1-2, Summary of Regulated Units. The Unit Storage Containment Capacity column lists for each unit the allowed volume in gallons and the corresponding number of 350 gallon totes and 55 gallon drums. There are inconsistencies in the table where the total volume calculated from the given number of 350 gallon totes or 55 gallon drums does not match up to the "total gallons allowed." For example, Table 1-2 shows that Containment Pod A has an allowed volume of 9,680 gallons, 176 drums and 30 totes. The 176 drums are correct, but the number of totes should be 27 such that the total tote volume is equal to or below the 9,680 gallons. Please revise Table 1-2 to ensure that the numbers of 350 gallon totes and 55 gallon drums add up to the allowed volume. Please delete the number of drums and totes from the table and add a footnote that describes how the volume was

determined (i.e., the lowest volume of either drums or totes from each pod was used as the allowable volume).

8. Design Capacity - Page 3-6, Section 3.5.5, Design Capacity. The discussion of facility capacity in the first paragraph of Section 3.5.5 is very confusing. The discussion includes current facility design capacity, proposed facility design capacity, proposed storage capacity and proposed permitted storage capacity. Please revise this paragraph to delineate these different capacities more clearly.

9. PCB Site Activities - Page 3-8, Table 3-2, Summary of PCB Activities. Section 3.6 states that Table 3-2 is a summary listing of proposed PCB site activities. Table 3-2 includes incineration and landfill activities. Veolia's site activities do not include direct incineration or landfill disposal. Veolia, however, does send wastes off-site for incineration or for disposal at a landfill. Please revise the text and Table 3-2 to clarify the actual site activities.

Minor Changes

10. Contact Information - Page 1-6, Section 1.4, Regulatory Contact Information. Please change the contact information to reflect a new project manager:

Ronald Leach, Project Manager
RCRA Corrective Action Office (WST-5)
Waste Management Division
U.S. EPA Region 9
75 Hawthorne Street
San Francisco, CA 94105-3920
(415) 972-3362

11. Decontamination Standards - Page 4-12, Section 4.3.5.1, Statistical Sampling Protocol. The second bulleted standard listed for "Indoor low contact solid surfaces (wipe samples)" should be revised from 100 ug/100 cm^2 to 10 ug/100 cm^2 (see 40 C.F.R. § 761.125(c)(3)).

12. Reference to Closure Cost Estimate - Page 4-16, Section 4.6.2, Closure Costs Consistency and Off-site Disposal Cost. The first paragraph of Section 4.6.2 references Appendix H for the closure cost estimate. Appendix H contains liability insurance information. The closure cost estimate is contained in Appendix I.

13. Flood Plain Map - Figure 3. Section 3.5.3, Floodplains, indicates that the facility is not located within the 100-year floodplain and references Figure 3, a Flood Insurance Rate Map. The Flood Insurance Rate Map is not legible such that U.S. EPA was unable to confirm that the facility is located outside of a 100-year floodplain. Please provide a more legible map.

14. <u>Double Sided Printing</u> - General Comment. Please consider printing the TSCA Application double sided using recycled paper.

Notice of Deficiency #3

(April 13, 2012)

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION IX
75 Hawthorne Street
San Francisco, CA 94105

April 13, 2012

Mr. James D. Harrison
Operations Manager
Veolia ES Technical Solutions, L.L.C.
5736 W. Jefferson Street
Phoenix, AZ 85043

RE: U.S. EPA Evaluation of TSCA Section 6(e) PCB Commercial Storage Renewal Application, Revision 7, dated April 2011 for Veolia ES Technical Solutions, L.L.C., 5736 West Jefferson Street, Phoenix, AZ 85043;
EPA ID AZ0 000 337 360

Dear Mr. Harrison:

Thank you for your letter submittal on May 3, 2011, providing the revised Toxic Substance Control Act (TSCA) Section 6(e) Polychlorinated Biphenyl (PCB) Commercial Storage Renewal Application, Revision 7, dated April 2011 ("TSCA Renewal Application"). The U.S. Environmental Protection Agency (EPA) has evaluated the revised TSCA Renewal Application and is submitting the following as attachments to this letter:

- An evaluation of the response to the August 2009 and January 2011 Notices of Deficiency (NOD) (see Attachment 1). While most of the comments from the first and second NOD were adequately addressed by Veolia ES Technical Solutions, LLC (Veolia), a few were not. Attachment 1 describes the deficiencies in the earlier responses along with the additional action needed to be taken by Veolia.
- A third NOD based on our review of the April 2011 TSCA Renewal Application (see Attachment 2).

These documents are issued under the authority of 40 CFR §761.65(d)(3) and (d)(4).

In response to this letter, please submit to U.S. EPA, within 60 calendar days of your receipt of this letter, comprehensive responses addressing the outstanding issues from the August 2009 and January 2011 NODs (Attachment 1) as well as the deficiencies identified in the third NOD (Attachment 2). Please do not submit a revised Renewal Application until U.S. EPA has finalized review of the response to comments and accepted all revisions to be implemented. Please be aware that we cannot process Veolia's TSCA request for an approval until we have received an updated Renewal Application that adequately addresses all of our comments.

Finally, U.S. EPA retains its discretion to propose conditions as part of the TSCA Approval which differ from those included as part of the revised TSCA Renewal Application.

Please submit two hard copies (preferably double-sided) and one electronic copy of the response to comments to Cynthia Ruelas at the following address:

Cynthia Ruelas, Project Manager
RCRA Facilities Management Office (WST-4)
Waste Management Division
U.S. EPA Region 9
75 Hawthorne Street
San Francisco, CA 94105-3920
(415) 972-3329

Should you have any questions or concerns, please do not hesitate to contact me at shaffer.caleb@epa.gov or at 415-972-3336.

Sincerely,

Caleb Shaffer, Manager
RCRA Facilities Management Office

Enclosures:

Attachment 1 – U.S. EPA Evaluation of Veolia response to August 17, 2009 and January 4, 2011 Notice of Deficiency

Attachment 2 – Third Notice of Deficiency, dated April 13, 2012

Electronic CC (with Enclosures):

Ms. Diana Deming, AZ Department of Environmental Quality

Mr. Wayne Bulsiewicz, Veolia ES Technical Solutions, L.L.C.

Attachment 1
U.S. EPA Evaluation of Veolia Response to August 17, 2009 and January 4, 2011 Notices of Deficiency for TSCA Section 6(e) PCB Commercial Storage Renewal Application

Table 1
Notice of Deficiency #1 (August 17, 2009)
Key Concerns

EPA Specific Comment No.	EPA Specific Comment	EPA Comment/Status	Revised Language/Action	Location and Page Number	EPA Comment April 13, 2012
1	Need for Comprehensive Facility Operating Plan Operational procedures and plans for the facility are spread throughout the TSCA Application. In some cases, key areas such as site inspections and recordkeeping and reporting are not discussed in the main part of the TSCA Application, but instead are only mentioned in documents included in the appendices. For example, site inspection of the storage areas is only discussed in the Spill Prevention, Control, and Countermeasure (SPCC) Plan contained in Appendix G. Please consider creating a single facility operating plan that will consolidate the procedures and protocols used for everyday operations at the site. The Contingency Plan and SPCC Plan as well as any other standard plans can all be summarized in an overall Facility Operating Plan and included as an appendix to the document. The Facility Operating Plan should be submitted as part of the TSCA Application.	U.S. EPA Evaluation of Comment 1 Response: Partially Addressed. Section 3.6 indicates that Veolia has developed a Facility Operations Plan that addresses area activities. The elements of the operations plan are discussed in Sections 3.6, 3.8 (Inspections Program), and 3.9 (Records and Reporting Program), but the TSCA Application does not include a single stand-alone plan. It is not clear how sections of the TSCA application will be used to guide everyday operations at the facility. U.S. EPA recommends that Sections 3.6, 3.8, 3.9 and information from other applicable sections (e.g., contingency planning, personnel training and security measures) be transformed into a single operations plan that is attached as an appendix to the TSCA Application. A summary of the Facility Operating Plan and all of its elements could then be included in the TSCA Application.	Veolia has developed a stand-alone Operating Plan and has provided a summary of that plan within the Application. This plan includes the Contingency Plan, SPCC Plan, Training Plan, and Recordkeeping and Reporting Plan as attachments.	Appendix D - Operating Plan Section 3.6 of the Application – Description of Operating Plan	Recordkeeping and reporting requirements still do not reside in one place as a stand-alone document (separate appendix). There are some sample forms in the SPCC and some in Appendix D. Wherever the comprehensive reporting requirements are placed within the permit application, please reference where they can be found.

EPA Specific Comment No.	EPA Specific Comment	EPA Comment/Status	Revised Language/Action	Location and Page Number	EPA Comment April 13, 2012
7	Summary Table for Reporting Submittals Please include a table that summarizes the regulatory agency reporting requirements. The table should include, at a minimum, the name of the report, what is contains, when it is to be submitted, and which agency will receive a copy. There are also oral and written reporting requirements contained in the Contingency Plan, Closure Plan, and SPCC Plan. Please update the individual plans as appropriate to include U.S. EPA as a recipient of required reports and notifications.	U.S. EPA Evaluation of Comment 7 Response Partially Addressed. The Contingency Plan was not updated to include U.S. EPA as one of the agencies to notify in the event of an emergency.	The Contingency Plan has been revised as requested.	Appendix D – Contingency Plan and Attachment D-1 Call List	There are still locations in the Contingency Plan and the SPCC that do not include notifying EPA when initiating the Contingency Plan or the SPCC. For all PCB contingencies and spills EPA should be notified, as the TSCA regulation cannot be delegated to the State. Please review and correct those missed changes.
21	Composite Samples Not Applicable for Closure Page 44, Section 5, Closure Cost Estimate and Appendix J. The closure cost estimate for media analysis detailed in Appendix J includes composite sampling. Table 3 – Sample Basis indicates that a total of 945 samples will be taken and composited (mixed) into 447 samples that will be analyzed at a laboratory. The purpose of these media samples is to characterize and confirm that the facility has been decontaminated to below applicable action levels. Composite samples tend to dilute and average the concentrations over an area such that exceeding of the action levels may not be detected. Please revise the closure plan and cost estimate to include individual samples without compositing.	U.S. EPA Evaluation of Comment 21 Response Sections 4.3.5.1 and 4.3.5.2 discuss the coordinate-based random sampling approach that Veolia will use to verify that the closure standards have been achieved. Table 4-4, PCB Area Classification, lists all the areas of the site that will be sampled and the associated number and type of samples. Some of the areas described in Table 4-4 are not discussed in the text. Please include a new section or additional text to discuss sampling for areas defined as "miscellaneous high impact and/or stained," additional site drywells (location), and areas under roll-off units. The text should also indicate that the sampling for PCBs will be accomplished as described in Table 4-4.	The section has been revised to include the requested detail. See Appendix E – Closure Plan.	Appendix E – Closure Plan, Section E.3.3 through E.3.5	Factor into the cost estimate the possible additional sampling based on staining or known spill areas or corners and crevices, as well as additional contingencies in the case that confirmation samples exceed the threshold concentrations. Furthermore, Appendix E, Closure Plan lacks detail and specific steps to take during closure (see NOD #3 in Attachment 2).

Table 2
Notice of Deficiency #2 (January 4, 2011)
Key Concerns

EPA Specific Comment No.	EPA Specific Comment	EPA Comment/Status	Revised Language/Action	Location and Page Number	EPA Comment April 13, 2012
2	**Facility Storage Capacity** **Page 1-1, Section 1.1, Introduction and Stated Purpose.** The proposed facility storage capacity of 52,285 gallons discussed in Section 1.1 is not consistent with the allowed total volume of 79,720 gallons listed for regulated units in Table 1-2. Table 1-2 lists all of the regulated units and their allowed storage capacities. Please revise the text and tables as appropriate to reconcile the inconsistency (see also Section 4.1.4). Also, please separate the proposed facility storage capacity into gallons for liquids and cubic yards for solids.	NA	Section 1.1 and Tables 1-2 and 1-4 have been rectified based on Appendix C calculations.		Provide the total permitted storage capacity and total facility design capacity in gallons and cubic yard units for liquids and solids, respectively.
8	**Design Capacity** **Page 3-6, Section 3.5.5, Design Capacity.** The discussion of facility capacity in the first paragraph of Section 3.5.5 is confusing. The discussion includes current facility design capacity, proposed facility design capacity, proposed storage capacity, and proposed permitted storage capacity. Please revise this paragraph to delineate these different capacities more clearly.	NA	Clarifying language has been provided in Section 3.5.5 of the Application		Provide values for each of the capacities (e.g., total facility design capacity and permitted storage capacity) noted.
10	**Contact Information** **Page 1-6, Section 1.4, Regulatory Contact Information.** Please change the contact information to reflect a new project manager: Ronald Leach Project Manager RCRA Corrective Action Office (WST-5) Waste Management Division U.S. EPA Region 9 75 Hawthorne Street San Francisco, CA 94105-3920 (415) 972-3362	NA	Contact information has been updated.	Section 1.4	The project has been reassigned. The new contact information is: Cynthia Ruelas Project Manager RCRA Facilities Management Office, Mail Code WST-4 US Environmental Protection Agency Region 9 75 Hawthorne Street San Francisco, CA 94105 Tel: (415) 972-3329 Fax: (415) 947-3533 Email: ruelas.cynthia@epa.gov

Attachment 2

Third Notice of Deficiency

April 13, 2012

Veolia ES Technical Solutions L.L.C. ("Veolia") - Toxic Substances Control Act Permit Renewal Application dated April 2011

("April 2011 TSCA Application")

General Comments

1. **Description of Facility Operations – Page 1-1, Section 1.1, Introduction and Stated Purpose.** Provide a description of:
   a) Operations to be permitted (e.g., Veolia commercially stores and processes regulated Polychlorinated Biphenyl [PCB] contaminated material); and
   b) Operations no longer being conducted/permitted (e.g., Veolia no longer separates and recycles lighting ballasts).

2. **Containment Pod Dimensions – Page 1-4, Table 1-1, Summary of Regulated PCB Units, and other areas of permit application.** There is a discrepancy between containment pod dimensions (length, width, and height) and/or calculations using containment pod dimensions (area and volume), for containment pods B, T, U and V, in the following sections:

- Table 1-1;
- Table 3-1;
- Appendix C: Containment Calculations, Tables 1 and 2;
- Appendix D: Facility Operating Plan, Attachment D-2: Spill Prevention Control, and Countermeasure Plan, Appendix B: Secondary Containment Calculations, Tables 1 and 2; and
- Appendix E: Closure Plan, Table 1-1 on Page E-1.

Address this discrepancy and modify unit storage containment areas and volumes as necessary.

3. **Drums in Building 3C – Page 1-4, Table 1-1, Summary of Regulated PCB Units.** The footnote indicates that "the lowest volume of either drums or totes for each storage unit (pod or area), as calculated in Appendix C, was used as the basis for the allowable volume; except for Building Section 3C, which does not allow for the storage of a tote. For Building 3C, capacity was based on drum storage." The facility should

install a permanently affixed sign, such as a pole-mounted sign or wall-bolted sign, in Building 3C indicating that only drum storage is allowed in this area. This sign should be clearly visible to inspectors and workers at the facility. Provide a statement that this has been implemented or provide a schedule for this action.

4. **Portable Cover Systems for Outdoor Containment Pods B and V – Page 1-4, Table 1-1, Summary of Regulated PCB Units.** Table 1-2: Summary of Regulated PCB Units, of the July 2010 permit application indicated in the "Comments" column for outdoor containment pod B that "storage [is] in accordance with 40 CFR 761.65(c)(2) only" and for outdoor containment pod V the "unit [is] equipped with portable cover system". These comments were deleted in the April 2011 permit application. Provide reason for why these comments were deleted from the April 2011 version, or restore the reference in the "Comments" column for outdoor containment pods B and V.

5. **Storage Capacity Changes from Previous Permit Application – Page 1-4, Table 1-1, Summary of Regulated PCB Units.** The unit storage containment capacity for some of the storage units (B, U, V, and Building 3) has changed from the July 2010 version of the permit application. Also, the roll-off bin capacity has been modified from 20 cubic yards in the July 2010 version to 30 cubic yards in the April 2011 version. These changes were not a result of U.S. EPA comments in the previous NODs. Are these modifications errors? If not, indicate reason(s) for these modifications.

6. **Unit Storage Containment Capacity – Page 1-4, Table 1-1, Summary of Regulated PCB Units.** Provide the maximum number of totes or drums allowed in the "Unit Storage Containment Capacity" column based on the value in the "$n_{allowed}$" column in Tables 1 and 2 of Appendix C: Containment Calculations. This information was included in the "Unit Storage Containment Capacity" column in the July 2010 version of the permit application; however, it was omitted in the April 2011 version of the permit application. Providing this information will help make inspections easier and more efficient as well as assist workers at the facility in maintaining compliance.

7. **Building 3 Sections – Page 1-4, Table 1-1, Summary of Regulated PCB Units.** Provide three different rows for Building 3 sections: 3A, 3B, and 3C, and indicate the maximum storage capacities for each of these individual areas: 22,750 gallons, 2,800 gallons, and 1,760 gallons, respectively. This will help make inspections easier and more efficient as well as assist workers at the facility in maintaining compliance.

8. **Roll-Off Bins as Regulated PCB Units – Page 1-4, Table 1-1, Summary of Regulated PCB Units.** The roll-off bins are included in the table summarizing regulated PCB units. However, Page 3-6, Section 3.5.5 Design Capacity, does not

appear to include the roll-off bin capacity in the facility design capacity. This should be included in that section.

9. PCB Activities in Building 2 – Page 3-2, Section 3.2.2, Building 2 and 3. The text indicates that processing of PCB items is conducted in Building 2. Appendix D, Facility Operating Plan, Page D-2, Section D.1.3.1, Layout Building 2, indicates that "PCB processing activities will be removed from Building 2 and transferred to Building 3." Modify the text in Section 3.2.2 to indicate that PCB processing will be removed from Building 2 and transferred to Building 3 following issuance of the permit.

10. PCB Ballast Recycling Activities – Page 3-2, Section 3.3, General Layout. Indicate the activities pertaining to PCB ballasts that are no longer being conducted, describe how the scope of ballast handling has been modified, and identify the locations of former and current PCB ballasts activities.

11. Building 4 Schedule for Removal of TSCA Operations – Page 3-3, Section 3.3.3, Building 4. Provide a schedule for transferring TSCA activities from Building 4 to Buildings 2 and 3.

12. Drywell Information – Page 3-3, Section 3.4, Environmental Conditions. According to the text, there are 11 drywells on-site (3 located in the south/front of the facility in the parking lot area and 8 located in the north/back of the facility where PCB operations take place). Provide the following information in the permit application: When were these drywells installed? Describe past and current uses of the drywells. What are the depths of these drywells? How long ago were the 8 drywells on the northern part of the site closed/sealed? Can Veolia provide records (well logs, closure letter) pertaining to the drywells and closure activities conducted? What method(s) were used to close the drywells? Were the drywells closed in a way that would prevent PCBs from being released into the subsurface in the event of a spill? The text indicates that 8 drywells were located in the back of the facility and 3 in the front, however, only 7 drywells are shown in the back of the facility in Figures 4A and 4B. Address this discrepancy. Also, Page 2-1 in Appendix E, SPCC Plan, indicates that approximately 20 gallons of PCB oil was reported spilled and approximately 3 gallons of this oil entered a drywell in the front of the facility. How was the PCB liquid that entered the drywells remediated? What types of measures are being taken to prevent PCB-contaminated liquids from accidental spills from entering the unsealed drywells?

13. Portable Covering System on Outdoor Containment Pods – Page 3-4, Section 3.5.1, Roof and Walls. The text indicates that "with regard to containment pods T and U that are located outside the facility building, these units will be equipped with a portable covering system comprised of reinforced aluminum frames, and a

canvas roof and sidewalls." Containment pods B and V are located outside as well and must also be equipped with a portable covering system; according to 40 CFR 761.65(b)(1)(i), which states that storage units must be equipped with adequate roof and walls to prevent rain water from reaching the stored PCBs and PCB Items.

14. **Outdoor PCB Storage and Processing – Page 3-4, Section 3.5.1, Roof and Walls.** PCB storage and processing should not be conducted in outdoor containment pods until an appropriate portable covering system has been constructed over each unit per 40 CFR 761.65(b)(1)(i). Provide a schedule (e.g., 30 days following approval of the application) for construction of roof and walls for all containment pods located outside the facility buildings.

15. **PCB Storage Description – Page 3-4, Section 3.5.2, Flooring and Floor Drains.** The text indicates that "as a general practice, materials are not stored directly on any concrete surfaces within Buildings 2 and 4..." Provide a description in this section of how materials containing PCBs are currently stored in Buildings 2 and 4.

16. **Secondary Containment of Piping/Hosing – Page 3-5, Section 3.5.2, Flooring and Floor Drains.** Does the facility have any piping or hosing containing PCBs that, at any time, may be fully or partially located outside of secondary containment? If so, indicate how accidental PCB liquid releases from piping or hosing are contained.

17. **Integrity Testing – Page 3-5, Section 3.5.2, Flooring and Floor Drains.** Is integrity testing conducted on the containment pods (aside from at the time of fabrication) to ensure that PCB leakage does not occur? If so, how is integrity testing conducted, and at what frequency? If not, provide a schedule and process for integrity testing.

18. **PCB Tracking Preventative Measures – Page 3-5, Section 3.5.2, Flooring and Floor Drains.** Ensure that protocols are in place to prevent employees from tracking PCBs into areas where it is not stored/processed/disposed or areas containing floor drains or sanitary sewer discharges (e.g., restroom facilities, office or other administrative rooms). Examples of preventative measures include having workers wear disposable booties when in PCB storage and processing areas; designating dedicated forklifts or other equipment in PCB storage and processing areas; or increasing outdoor berm height to ensure stormwater run-off will not transport PCBs outside of PCB operations boundaries.

19. **PCB Quarterly Wipe Sampling – Page 3-5, Section 3.5.2, Flooring and Floor Drains.** EPA prefers that the facility conduct quarterly sampling in areas where PCB storage and processing is conducted as well as on nonporous surfaces in areas of the

facility where PCBs can potentially be tracked (e.g., door knobs, restroom floor, faucets, etc.) to ensure that PCBs are not present outside of their controlled primary containment areas. Conduct PCB sampling as follows:

- Two wipe samples within PCB floor areas where PCBs are drained.
- Two wipe samples within floor areas (secondary containment) where PCBs are stored.
- One wipe sample in an area where workers enter/exit the PCB storage and processing areas.
- Two wipe samples within the outdoor area in or in the vicinity of the PCB containment pods.

Conduct PCB sampling on a quarterly basis, and on an annual basis, during one of the quarters, use an independent contractor to conduct the sampling. If wipe samples are greater than 10 µg/100cm^2, Veolia shall fully delineate the extent of PCB contamination and initiate the cleanup process in accordance with 40 CFR 761.61. The sampling results and any follow-up cleanup shall be discussed in the annual report submitted to U.S. EPA in accordance with 761.180(b)(1) and (2). Include the information for this sampling in Table D-1, Records, (Page D-17) and D-2, Reporting (Page D-20) of Appendix D, Facility Operating Plan.

20. <u>Volumetric Unit Consistency</u> – Page 3-6, Section 3.5.5, Design Capacity. The facility design capacity and permitted storage capacity should be provided using one set of volumetric units for each media (e.g., use gallons for liquids and cubic yards for solids). Make all volumetric units consistent throughout the permit application (including tables and appendices).

21. <u>Roll-Off Bin Inclusion in Design Capacity</u> – Page 3-6, Section 3.5.5, Design Capacity. Roll-off bins in the yard were included in Table 1-1 Summary of Regulated PCB Units, however, they do not appear to be mentioned in the total facility design capacity in Section 3.5.5 or in the permitted storage capacity in Appendix C. Address this discrepancy.

22. <u>Processing Area Containment Pod Inclusion in Calculations</u> – Page 3-6, Section 3.5.5, Design Capacity. The text indicates that "pods used within the process area (i.e., processing area containment pods) are not included in the calculations for determining the total storage capacity of the facility, but were included in closure plan calculations." However, Appendix C calculations appear to include processing area containment pods T and U, in determining total storage capacity of the facility. Address this discrepancy.

23. Regulatory Requirements for Ballasts – Page 3-8, Table 3-2, Summary of PCB Activities and Associated Regulatory Requirements. "Ballasts" and "Ballasts (as PCB Articles)" are included in this table. Describe the difference between "Ballasts" and "Ballasts (as PCB Articles)". The regulatory references provided under the store, sort, recycle, incinerate, and landfill categories are in regards to capacitors. According to 40 CFR 761.3, fluorescent light ballasts containing PCBs fall under the *PCB bulk product waste* and/or *PCB Equipment* definitions. Therefore, regulations cited for fluorescent light ballasts should pertain to either of these two categories.

24. PCB Containers Revision – Page 3-9, Table 3-2, Table 3-2, Summary of PCB Activities and Associated Regulatory Requirements. The last two items, "PCB Containers" and "PCB Containers (≥500 ppm)" need to be revised as follows. Under the "Summary of Site PCB Activities" column, change "PCB Containers" to "PCB Containers (≥500 ppm)". Also, change "PCB Containers (≥500 ppm)" to indicate "PCB Containers (<500 ppm)".

Figure Comments

25. Containment Pod Depiction and Identification – Figures 4A and 4B. Provide containment pod identification for the 4 pods depicted outdoors in these figures. Also, provide pod identification for the containment pods located within Building 2 (and Building 4 for Figure 4A), and illustrate Building 3 sections 3A, 3B, and 3C in these figures.

26. PCB Activities Depiction – Figures 4A and 4B. In the legend, separate "PCB Storage and/or Processing" functions into two items, "Storage" and "Processing, and demonstrate where these individual functions take place within each containment pod or building area. Also add "PCB receiving" as an item on the legend and include any other function pertaining to PCBs that are conducted at the site, and show where these activities take place within the facility boundaries.

Appendix C Comments

27. Appendix C – Containment Calculations. Provide a brief narrative in Appendix C, preceding the tables, summarizing the total volume allowed in each pod or area; the maximum number of drums or totes and/or electrical equipment allowed in each pod/building area, and indicating whether the total volume allowed is based on totes or drums. Also indicate that only drums are allowed to be stored in Building 3C based on the containment calculations. The narrative can include a table summarizing this data. This summary will help make inspections more efficient as well as assist workers at the facility in maintaining compliance.

Appendix D Comments

28. PCB Waste Compositing – Page D-1, Section D.1.1, Storage Period. Add a statement in the operating plan that PCB contaminated waste or liquid PCB waste when composited will retain the date of the oldest container.

29. PCB Profile Protocol – Page D-2, Section D.1.2, Waste Acceptance Procedures. This section states that "all PCB-containing materials must be profiled in to the facility prior to acceptance." Does Veolia have a specific protocol pertaining to the profile that the generator must adhere to? Does the facility conduct any verification sampling on a set number of PCB-containing materials that are received?

30. Sealant in Building 3 – Page D-3, Section D.1.3, Layout Building 3. Is resealing of the floor and berms in Building 3 part of routine maintenance to ensure PCBs will not penetrate into the substrate? If so, indicate the required frequency for resealing the floors and the protocol involved. Is the proper type of sealant currently in-place in Building 3? If not, provide a discussion on what measures are currently being taken to prevent PCBs from leaching into the substrate in Building 3 and also indicate why the floor is not sealed already with the sealant described in Appendix G.

31. Covers on Units in Outdoor Areas – Page D-5, Section D.1.3.4, Outdoor Storage Areas. This section states that "any articles or PCB equipment stored outside in an uncovered pod will be placed in containment that is large enough to contain all PCB liquids plus an additional 10% to account for the rainfall from a 25-year 24-hour storm event [in accordance with 40 CFR 112.8(c)(2)]." Per 40 CFR 761.65(b)(1)(i), the containment pods in the outdoor area should be covered with roofs and walls. Roll-off bins containing PCB waste should also be equipped with covers to prevent storm water run-on from entering the bins.

32. Temporary Storage Pods – Page D-5, Section D.1.3.4, Outdoor Storage Areas. The text indicates that "with regard to the temporary storage of larger PCB equipment, these items are stored outside until such time as they can be disassembled and/or drained and moved inside Building 2 or 3, or be prepared for shipment off-site. Draining and processing of PCB equipment outdoors is conducted in the containment pods T and U." It is not clear as to whether or not pods T and U are considered temporary storage. State whether or not pods T and U are considered temporary storage, and explain the reason for that per 40 CFR 761.65(c)(1).

33. Include PCB Ballasts as Processed Equipment – Page D-7, Section D.1.6.1, Equipment Processing. PCB Ballasts should be in the list of equipment that is processed at Veolia.

34. Longevity Rate of Decontamination Solution – Page D-9, Section D.1.6.2, Metals Recovery. Longevity rate of the decontamination solution should take into account that rinsing solution will be used on varying concentrations of materials containing PCBs. Ensure that usage is based on most conservative scenario.

35. Wipe Sampling Protocol – Page D-9, Section D.1.6.2, Metals Recovery. Provide a wipe sampling protocol for decontaminated metals that have previously come in contact with PCBs at any concentration in accordance with 40 CFR 761.79(b)(3)(i)(A).

36. Weekly Inspections – Page D-13, Section D.1.3.1, Documented Inspections. The text states that "Veolia exceeds the regulatory protocol for the inspection of PCB items (see 40 CFR 761.65(c) that mandates inspections at least once every 30 days)." However, according to 40 CFR 761.65(c), capacitors and equipment temporarily stored outside the facility shall be checked for leaks weekly. Include in the text that for outdoor temporary storage units, weekly inspections are conducted per 40 CFR 761.65(c).

Appendix D, Attachment D-1: Contingency Plan Comments

37. Appendix D – Attachment D-1: Contingency Plan. In Appendix D, Attachment D-1, Contingency Plan, the Contingency Plan is the primary means of emergency response Spill Prevention, Control, and Countermeasure (SPCC) used for further instruction.

- Please reference under what instances the SPCC will be used if it is not part of the Contingency Plan (e.g., inspection or containment certification).
- Please change the application to notify USEPA, Region 9 for PCB activities in Sections 1.4, Reporting; and 3.1.3, Release Notification.

38. Appendix D – Attachment D-1: Contingency Plan, Page 5, Section 2.1. Aside from fire extinguishers, what fire suppressant units are present in the building in the event of a fire?

39. Appendix D – Attachment D-1: Contingency Plan. All Exhibits are mislabeled; Exhibits E-1 through E-9 that follow Attachment D-1 should be changed to Exhibits D-1 through D-9.

Appendix D, Attachment D-2: Spill Prevention Control and Countermeasures Plan

40. Facility Storage Volume – Page 1-1, Section 1.1, Regulatory Background. The text indicates that "in accordance with this approval, the facility may store up to **24,578 gallons of PCB oils**." This volume does not match the volume in Table 1-1 and other sections of the permit application.

41. Certification Signatures – Page 1-4, Section 1.5.3, Certification of Review and Evaluation; and 1.5.4, Engineering Certification (40 CFR 112.3(d)). Signatures are required at the end of these sections.

42. Accidental PCB Release – Page 2-1, Section 2.1, Spill Events (40 CFR 112.7(a)). For the spill that occurred on January 17, 2003, were remediation efforts conducted to address oil that entered the on-site drywell?

43. Fixed Equipment – Page 3-1, Section 3.1, Facility Drainage (40 CFR 112.8(b)). Drainage equipment, storage and transport equipment, if fixed, fit the definition of a tank and ancillary equipment and should be inspected and managed as such.

44. Stormwater Runoff Prevention – Page 3-1, Section 3.1, Facility Drainage (40 CFR 112.8(b)) and Figure 2. Facility drainage depicted in Figure 2 indicates that for drainage on the eastern side of the site, storm water runoff on the operations side accumulates at the bermed area. This water appears to have the potential to be directed in the southernmost part of the site where the unsealed drywells are located if enough storm water accumulates near the bermed area. Are there procedures in place to prevent storm water that accumulates in the northeastern part of the site from entering the unsealed drywell on the southeast end?

Appendix E Closure Plan

45. Appendix E, Closure Plan – General. There is not enough information to close any of the buildings. This application should provide details on **how** the facility will be closed and provide details per 40 CFR 761.65(e). The plan should elaborate, but not be limited to, cleanup goal, steps to take, justification for sample size, gridding pattern

details and locations where samples are to be taken in a floor plan and elevation view of the buildings.

46. Appendix E, Closure Plan – General. The closure of Building 4 should be very detailed and provided in a separate section from the other buildings' Closure Plan. Since the building will no longer be used for PCBs, confirmation samples should demonstrate that PCB contamination is not present. Also, check with the owner to determine what his/her expectation is for cleanup during closure (e.g., does the property owner require that the facility be restored to its original condition?).

47. Appendix E, Closure Plan – General. Please factor into the cost estimate the possibility of additional sampling that may be required based on staining or known spill areas. Create a figure that delineates the spills that occurred in the past, regardless of the size of the spill. Confirmation sampling should occur in these areas as part of the closure process.

48. Appendix E, Closure Plan – General. Provide a sampling and analysis plan as a separate attachment and include drawings indicating proposed sample location.

49. Revision of Oil-Filled Electrical Equipment Disposal – Page E-4, Table E-2, Maximum Inventory for Disposal. For Closure Maximum Inventory, Table E-2 of the closure plan, electrical equipment that contains liquid and is undrained may not be disposed in a landfill according to 40 CFR 761.60(b)(6)(ii)(A). Revise the table to make this clear.

50. Disposal of Containment Pods – Page E-4, Section E.2.1, Maximum Inventory. The text indicates that "it is the intent of Veolia to dispose of equipment, containment structures, and containment pods at the time of closure." The text goes on to state that "an additional 80,000 pounds of containment pods will be cleaned and sent for metals recovery (no asset value taken)." Address this discrepancy.

51. Reference to Potting Compounds – Page E-5, Section E.2.2, Disposal Inventory. The text makes reference to disposal of potting compounds; however, this should be removed, because Veolia is no longer conducting PCB ballast recycling activities. This term is also apparent in Table E-3 on Page E-5.

52. Reference Description – Page E-6, Section E.3.1, Site Characterization. Specify what section of Subpart G is being implemented.

53. Sampling in Building 3 and Areas Where Release has Occurred – Page E-9, Table E-4, PCB Area Classification [40 CFR 761.61(a)(4)]. Wipe samples may be used for the pods and the sealed flooring in Buildings 2 and 4. However, sampling such as coring or chip sampling is required when closing Building 3, as the PCB operations began prior to the floor being re-sealed. Known spill areas may also require chip sampling of the flooring. Revise the table to make this clear.

54. Sediment Sampling on Drywells – Page E-9 to E-10, Table E-4, PCB Area Classification [40 CFR 761.61(a)(4)]. The table indicates that sediment samples will be collected at drywell locations. Provide a description somewhere in the text indicating how sediment samples will be collected at the drywells.

55. Porous Surface Sampling – Page E-11, Section E.3.4.3, Cleaning of Porous Surfaces. Specify that porous surface sampling shall be done in accordance with EPA's Standard Operating Procedure for Sampling Porous Surfaces for Polychlorinated Biphenyls (PCBs) (EPA 2011).

56. Deed Restriction Runoff Prevention – Page E-11, Section E.3.4.3, Cleaning of Porous Surfaces. This section states that "additionally, subject to deed restriction protocol, Veolia may choose to encapsulate any high occupancy surface verified to be from 1 to 10 ppm PCB." As the property owner, Jewell Investment, would have to provide written assent for Veolia to be able to leave in place PCBs with a deed restriction, please modify this section to make that clear.

57. Sampling in Areas Where PCBs May be Tracked – Page E-7 and E-8, Section E.3.1, Site Characterization. The restroom facilities and office areas should be sampled, as tracking of contamination may have occurred.

58. Air Sampling – Page E-9 and E-10, Table E-4, PCB Area Classification [40 CFR 761.61(a)(4)]. Include air sampling for PCBs within Buildings 2, 3, and 4.

59. Tabulate Threshold Values – Page E-12 and E-13, Section E.3.5.1, Statistical Sampling Protocol. Provide a table, rather than bullets for the standards presented per 40 CFR 761.125(c)(3).

60. Add Table Title – Page E-15, Section E.4, Closure Schedule. Provide a title for the closure activity table.

61. Reference to Closure Cost Calculations – Page E-16, Section E.6, Closure Cost Estimate. Provide a reference to the Closure Cost Estimate located in Attachment E-3 of Appendix E.

62. Attachment E-1 – Health and Safety Plan – Page 2-1, Section 2.1, Chemical Hazards. What is "pVeoliaible level"?

63. Attachment E-2 – Quality Assurance Project Plan – General. For Attachment E-2 Quality Assurance Project Plan (QAPP), you identified several elements of the QAPP that are required. Typically, most of the components of the QAPP are provided by the selected laboratory(ies). Retain for closure the lab(s) to be used during closure and have the lab(s) submit the information data that meets the Data Quality Objectives (DQOs) (e.g., the detection limit).

64. Attachment E-2 – Quality Assurance Project Plan – Page 2-1 to 2-2, Section 2.1, Data Quality Objective Process. Revise DQOs using EPA Guidance (EPA 2000). Revise the QAPP based on the modified DQOs. Then, develop a sampling and analysis plan for closure activities based on the revised DQOs. Components of the Appendix E, Closure Plan, and Attachment E-3, Closure Cost Estimate, will also need to be revised based on DQO modification.

65. Appendix E – Attachment E-3, Closure Cost Estimate. Add a "Reference" column in the closure cost estimate indicating where costs were obtained (e.g., RS Means, RACER, quote from vendor, etc.).

66. Appendix E – Attachment E-3, Closure Cost Estimate. Is the cost of transporting the containment pods off-site to a recycling/disposal facility included in the closure cost?

67. Attachment E-4 – Financial Assurance Mechanism – General Comment. Supporting text is missing from the financial assurance mechanism attachment.

REFERENCES

U.S. Environmental Protection Agency (EPA). 2000. "Data Quality Objectives Process for Hazardous Waste Site Investigations (EPA QA/ G-4HW)." Office of Environmental Information. Washington, DC. EPA/600/R-00/007. January.

EPA. 2011. "Standard Operating Procedure for Sampling Porous Surfaces for Polychlorinated Biphenyls (PCBs)." Office of Environmental Measurement and Evaluation. EPA New England – Region 1. EIASOP_POROUSSAMPLING Revision 4. May 5.

Notice of Deficiency #4

(August 28, 2014)

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION IX
75 Hawthorne Street
San Francisco, CA 94105-3901

August 28, 2014

Mr. James D. Harrison
Operations Manager
Veolia ES Technical Solutions, L.L.C.
5736 W. Jefferson Street
Phoenix, AZ 85043

RE: U.S. EPA Evaluation of TSCA Section 6(e) PCB Commercial Storage Renewal Application, Revision 9, dated April 2013 for Veolia ES Technical Solutions, L.L.C., 5736 West Jefferson Street, Phoenix, AZ 85043;
EPA ID AZ0 000 337 360

Dear Mr. Harrison:

Thank you for your submittal of the revised Toxic Substance Control Act (TSCA) Section 6(e) Polychlorinated Biphenyl (PCB) Commercial Storage Renewal Application, Revision 9, dated April 2013 ("TSCA Renewal Application") for the Veolia Facility (the "Facility") located at 5736 West Jefferson Street, Phoenix, Arizona. The U.S. Environmental Protection Agency (EPA) conducted a detailed review of the revised TSCA Renewal Application and is submitting a fourth notice of deficiency based on its review.

Veolia, as the owner and/or operator, shall make the following changes to the revised TSCA Renewal Application, as modified by the following conditions:

1. **Outdoor Containers Used to Store TSCA-Regulated Waste Must Meet TSCA Storage Requirements.** Currently, the 20-cubic yard roll-off containers used to store PCB waste in the outdoor area behind Buildings 2 and 3 of the Facility do not meet the storage requirements set forth in 40 C.F.R. § 761.65(b)(1). During a July 2014 conference call, EPA brought this to Veolia's attention.

   In response, Veolia submitted an email to EPA on July 31, 2014, that identified various PCB waste streams stored at the Facility, and proposed changes to how these waste streams may be stored at the Facility. The following table provides a summary of how Veolia intends to store various solid PCB waste streams received at the Facility:

PCB Solid Waste Streams and Proposed Storage Units at the Veolia Facility

PCB Solid Waste Stream	TSCA-Regulated?	Proposed Storage Unit	TSCA Storage Requirements Met?
Non-PCB Equipment	No	Outside in covered roll-offs	Yes
PCB-Containing Articles Exempt from Storage Requirements	No	Outside in covered roll-offs	Yes
Drained PCB-Contaminated Electrical Equipment & Associated Components	No	Outside in covered roll-offs	Yes
Fluorescent Lamp Ballasts	Yes	Outside in covered roll-offs	No
PCB Waste (excluding fluorescent lamp ballasts)	Yes	TSCA permitted storage units in Buildings 2 and 3	Yes

During a conference call between EPA and Veolia on August 7, 2014, EPA indicated that, based upon its review of Veolia's July 31, 2014 email, all proposed methods of PCB waste storage were acceptable except for the fluorescent lamp ballasts. Veolia had proposed that these PCB wastes be stored in a lined and covered metal roll-off container outside of and behind Buildings 2 and 3 at the Facility. This storage method does not meet the storage requirements set forth in 40 C.F.R. § 761.65(b)(1). Thus, Veolia shall either:

a. Propose a different method or location of storage for this waste stream that meet storage requirements in 40 C.F.R. § 761.65(b)(1); or
b. Submit an application to the EPA Region 9 Regional Administrator pursuant to 40 C.F.R. § 761.62(c) to store PCB bulk product waste in a manner other than what is prescribed in 40 C.F.R. § 761.65(b)(1), and demonstrate that the proposed method or location of storage does not pose an unreasonable risk to human health or the environment.

Selection of either option will require changes to and submittal of a revised TSCA Renewal Application. Implementation of either option will prompt changes to the

permitted storage capacity and changes to how PCB waste streams are managed in each of the TSCA storage units at the Facility.

2. **Placement of Sealant on Concrete Floor in Building 2.** Veolia's proposed method of storage for the various waste streams, described in its July 31, 2014 email, also indicates that Building 2 will be used for storage of specific types of PCB waste streams rather than as a short-term overflow storage area for PCB wastes that do not fit inside Building 3. Given that Building 2 may now function as a more permanent storage area for PCB wastes, Veolia shall apply an epoxy coating on the floor of Building 2 to ensure that the concrete flooring design is sufficient to prevent any PCBs from penetrating through the floor and reaching the subsurface. The sealant shall be applied within 30 days of issuance of a permit decision.

These comments are being issued under the authority of 40 C.F.R. § 761.65(d)(3) and (d)(4).

In response to this letter, please submit to U.S. EPA, within 30 calendar days of your receipt of this letter, a comprehensive response addressing the deficiencies identified above. Following EPA approval of the response to comments, the TSCA Renewal Application shall be modified.

Prior to submitting a hard copy of Revision 10 of the TSCA Renewal Application for the Veolia Facility in Phoenix, please submit an electronic copy for our review. Once we have reviewed and approve the revisions, you will be notified to submit two hard copies (preferably double-sided) and one electronic copy of the response to comments to Cynthia Ruelas at the following address:

Cynthia Ruelas, Project Manager
RCRA Facilities Management Office (WST-4)
Waste Management Division
U.S. EPA Region 9
75 Hawthorne Street
San Francisco, CA 94105-3920
(415) 972-3329

Please do not submit a revised Renewal Application until U.S. EPA has finalized review of the response to comments and/or accepted all revisions to be implemented.

Finally, U.S. EPA retains its discretion to propose conditions as part of the TSCA Approval which differ from those included as part of the revised TSCA Renewal Application.

Should you have any questions or concerns, please do not hesitate to contact me or Barbara Gross, Manager of the Permits Section at gross.barbara@epa.gov or at 415-972-3972.

Sincerely,

Jeff Scott, Division Director
Land Division

Electronic CC (with Enclosures):

Ms. Diana Deming, AZ Department of Environmental Quality

Mr. Wayne Bulsiewicz, Veolia ES Technical Solutions, L.L.C.

APPENDIX D – NOTICE OF VIOLATION AND INFORMATION REQUEST PURSUANT TO THE TOXIC SUBSTANCES CONTROL ACT

Notice of Violation and Information Request Pursuant to the Toxic Substances Control Act

(April 5, 2011)

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION IX
75 Hawthorne Street
San Francisco, CA 94105

APR 0 5 2011

CERTIFIED MAIL NO. 7000 0520 0021 6109 9303
RETURN RECEIPT REQUESTED

Notice of Violation and Information Request Pursuant to the Toxic Substances Control Act

Wayne R. Bulsiewicz
Environmental Health and Safety Manager
Veolia ES Technical Solutions, LLC
5736 W. Jefferson Street
Phoenix, AZ 85043

Re: Veolia ES Technical Solutions, LLC, Phoenix, Arizona
EPA Identification Number AZ0 000 337 660

Dear Mr. Bulsiewicz:

The United States Environmental Protection Agency ("EPA") has identified violations of the Toxic Substances and Control Act ("TSCA") at the Veolia ES Technical Solutions, LLC ("Veolia") facility located in Phoenix, Arizona, with EPA Identification Number AZ0000337660 ("the Facility"). This letter lists the specific areas of noncompliance and sets out a schedule for Veolia to demonstrate current compliance. Also included below is a request for information pertaining to polychlorinated biphenyls ("PCBs"), promulgated under TSCA at 40 C.F.R. part 761.

The violations of the TSCA PCB requirements described below are based on information gathered as part of EPA's compliance investigation, including on-site inspections and sampling at the Facility on March 17, 2008 and September 16, 2010. A copy of the combined inspection report created by EPA as part of its investigation of the facility is enclosed for your information and response. The report describes conditions at the Facility during the time of the inspections and identifies areas on noncompliance with TSCA regulations. Any omissions in these reports shall not be construed as a determination of compliance with any other applicable regulation.

Notice of Violation

TSCA Violations. Pursuant to Section 15 of TSCA, 15 U.S.C. § 2614, you are required to correct the identified areas of noncompliance regarding the management and disposal of PCBs. The violations are:

1) Failure to decontaminate storage areas contaminated with PCBs prior to use in accordance with 40 C.F.R. § 761.30(u)(1) of TSCA.

2) Improper disposal of PCBs outside of Veolia's PCB Receiving and Storage Building in accordance with 40 C.F.R. §§ 761.50(a)(4) and 50(b)(3) of TSCA.

3) Failure to include the date removed from service on PCB Items prior to disposal in accordance with 40 C.F.R. § 761.65(c)(8) of TSCA.

4) Failure to adhere to a TSCA PCB Approval Condition in accordance with 40 C.F.R. § 761.65(d)(4)(iv) of TSCA.

5) Failure to include the date removed from service on outgoing PCB manifests in accordance with 40 C.F.R. § 761.207(a)(1) of TSCA.

6) Failure for a transporter to accept PCB waste without a manifest signed by the generator in accordance with 40 C.F.R. § 761.208(b)(1) of TSCA.

By copy of this letter, the EPA is providing the State of Arizona with notice of the referenced violations of the TSCA PCB management requirements.

Information Request

The EPA is also seeking information concerning past and current operations at the Facility. The information requested will supplement observations made by the EPA inspection team and the follow-up information provided by Veolia thereafter. After speaking with representatives of Veolia, EPA would like to request any documentation in your possession pertaining to compliance issues documented in EPA's 2008 and 2010 PCB inspections. Within thirty (30) calendar days from the date of your receipt of this letter, please provide EPA with the following information:

1) Remediation work pertaining to PCB releases documented during EPA's 2010 TSCA inspection. Please provide Region 9 with any written reports, sample verification data, disposal documentation and the amounts of soil, asphalt or concrete remediated.

2) Sample verification data pertaining to the decontamination of the storage area floors in Buildings 2, 3 and 4 of Veolia's facility in 2008 and 2010. Please provide Region 9 with any written reports, sample verification data, and disposal documentation pertaining to the decontamination activities in this Building during these two time periods.

3) How does Veolia propose to address EPA's concerns regarding the facility indicating the removal from service dates on PCB Items and outgoing manifests? Please provide a detail written statement to address this concern.

4) How does Veolia propose to address EPA's concern regarding the facility's acceptance of PCB waste without signed manifests from the generators? Please provide a detail written statement to address this concern.

Confidential Business Information

The EPA routinely provides copies of inspection reports to state agencies, and upon request, to the public. Such releases are handled according to the Freedom of Information Act regulations, 40 C.F.R. Part 2, Subpart B. For any portion of the information included in this inspection report which is entitled to confidential treatment, please assert a confidentiality claim in accordance with 40 C.F.R. § 2.203(b). If the EPA determines that the information so designated meets the criteria set forth in 40 C.F.R. § 2.208, the information will be disclosed only to the extent, and by means of the procedures specified in 40 C.F.R. Part 2, Subpart B. As described in 40 C.F.R § 2.203(a)(2), the EPA will construe the failure to furnish a confidentiality claim within fourteen (14) calendar days from the date of your receipt of this letter as a waiver of that claim, and information may be made available to the public by the EPA without further notice.

Your certification of correction of the areas of noncompliance identified in this notice of violation must be included in a response letter signed by a duly authorized official of Veolia. Your response should also address any other areas or activities of concern identified in the enclosed reports. You response to the Notice of Violation and the Information Request is due within thirty (30) calendar days from the date of your receipt of this letter and shall be addressed to:

Christopher Rollins
Mailcode: WST-3
RCRA Enforcement Office
U.S. Environmental Protection Agency
75 Hawthorne Street
San Francisco, CA 94105
rollins.christopher@epa.gov

You may have been provided during the inspection with a Small Business Regulatory Enforcement and Fairness Act ("SBREFA") Information Sheet. If not, please see http://www.epa.gov/compliance/resources/publications/incentives/smallbusiness/smallbusresources.pdf. The Information Sheet is designed to provide information on compliance assistance and inform small businesses of their rights to comment to the SBREFA Ombudsman concerning EPA enforcement activities. Be aware that SBREFA does not eliminate your responsibilities to respond to this letter within the allowed time nor does it create any new rights or defenses under the law.

If you have questions related to the inspection report or this letter, please contact Christopher Rollins of my staff at (415) 947-4166.

Sincerely,

Amy C. Miller, Manager
RCRA Enforcement Office

Enclosure

cc: (w/o enclosure): Mel P. Bunkers, ADEQ

Mel P. Bunkers, Manager
Hazardous Waste Inspections and Compliance Unit
Arizona Department of Environmental Quality
1110 W. Washington Street
Phoenix, AZ 85007

Complaint and Notice of Opportunity for Hearing in the Matter of Veolia ES Technical Solutions, LLC

(April 30, 2013)

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION IX
75 Hawthorne Street
San Francisco, CA 94105

APR 30 2013

Certified Mail No. 7000 1670 0009 3120 7089
Return Receipt Requested

Wayne R. Bulsiewicz
Veolia ES Technical Solutions, LLC
5736 W. Jefferson Street
Phoenix AZ, 85043

Re: Complaint and Notice of Opportunity for Hearing
In the Matter of Veolia ES Technical Solutions, LLC

Dear Mr. Bulsiewicz:

Please find enclosed a Complaint and Notice of Opportunity for Hearing (hereinafter Complaint) concerning violations of the Toxic Substances Control Act (TSCA), 15 U.S.C. § 2601, by Veolia ES Technical Solutions, LLC.

The Complaint and the Rules of Practice, 40 C.F.R. Part 22, set forth the alternatives available to you in responding to the alleged facts, violations, proposed penalties, and opportunity for hearings. It should be emphasized that if you wish to request a hearing and avoid being found in default, you must file a written answer within thirty (30) days of your receipt of the Complaint. Please address the submittal to:

Carol Bussey
Assistant Regional Counsel
Office of Regional Counsel (ORC-2)
U.S. EPA, Region IX
75 Hawthorne Street
San Francisco, CA 94105
bussey.carol@epa.gov

If you have any questions regarding the Complaint, please contact Carol Bussey, in the Office of Regional Counsel, at (415) 972-3950.

Sincerely,

Kathleen H. Johnson
Director, Enforcement Division
U.S. Environmental Protection Agency, Region IX

Enclosures

cc: Greig R. Seidor (with Enclosures), Veolia ES Technical Solutions, LLC

Greig R. Seidor
Chief Legal Officer
Veolia ES Technical Solutions, LLC
P.O. Box 1238
Sheffield, MA 01257

UNITED STATES
ENVIRONMENTAL PROTECTION AGENCY
REGION IX
75 HAWTHORNE STREET
SAN FRANCISCO, CALIFORNIA 94105

In the Matter of:	Docket No. TSCA-09-2013-0004;
Veolia Environmental Services Technical Solutions LLC,	COMPLAINT AND NOTICE OF OPPORTUNITY FOR HEARING
Respondent	

PRELIMINARY STATEMENT

This is a civil administrative action brought pursuant to Section 16(a) of the Toxic Substances Control Act ("TSCA"), 15 U.S.C. § 2615(a). Complainant is the Director of the Enforcement Division, United States Environmental Protection Agency ("EPA"), Region IX, who has been duly delegated the authority to bring this action under TSCA. Respondent is Veolia Environmental Services Technical Solutions LLC ("Respondent"), a Delaware corporation doing business in Phoenix, Arizona.

Pursuant to Section 6(e) of TSCA, 15 U.S.C. § 2605(e), EPA has promulgated comprehensive regulations governing the use, manufacture, processing, distribution, and disposal of polychlorinated biphenyls ("PCBs") at 40 C.F.R. Part 761.

This Complaint serves as notice that Complainant has reason to believe that Respondent violated Section 15 of TSCA, 15 U.S.C. § 2614, by violating the regulations governing PCBs at 40 C.F.R. Part 761.

GENERAL ALLEGATIONS

1. It shall be unlawful for any person to (1) fail or refuse to comply with . . . (C) any rule promulgated or order issued under section 2604 or 2605 [section 6 of TSCA] of this title. Section 15(1)(C) of TSCA, 15 U.S.C. § 2614(1)(C).

2. "PCB Container" means "any package, can, bottle, bag, barrel, drum, tank, or other device that contains PCBs or PCB Articles and whose surface(s) has been in direct contact with PCBs." 40 C.F.R. § 761.3.

3. "PCB-Contaminated" means "a non-liquid material containing PCBs at concentrations $\geq$ 50 ppm [parts per million] but < 500 ppm; a liquid material containing PCBs at concentrations $\geq$ 50 ppm but < 500 ppm or where insufficient liquid material is available for analysis, a non-porous surface having a surface concentration > 10 $\mu g/100\ cm^2$ but < 100 $\mu g/100\ cm^2$, measured by a standard wipe test as defined in § 761.123." 40 C.F.R. § 761.3.

4. "PCB Item" means "any PCB Article, PCB Article Container, PCB Container, PCB Equipment, or anything that deliberately or unintentionally contains or has as a part of it any PCB or PCBs." 40 C.F.R. § 761.3.

5. "Person" means "any natural or judicial person, including any individual, corporation, partnership or association..." 40 C.F.R. § 761.3.

6. Respondent is a corporation, and therefore a "person" as that term is defined by 40 C.F.R. § 761.3.

7. Respondent owns and operates a facility located at 5736 W. Jefferson Street, Phoenix, Arizona 85043 (the "Facility").

8. At all times relevant to this Complaint, Respondent was engaged in hazardous, non-hazardous, and industrial waste disposal and recycling at the Facility, including such activities involving PCBs.

9. On or about March 17, 2008 and on or about September 16, 2010, EPA Region IX inspectors conducted inspections at the Facility, in part, for the purpose of determining Respondent's compliance with 40 C.F.R. Part 761.

ALLEGED VIOLATIONS

COUNT I - Continued Use of PCB-Contaminated Structure (40 C.F.R.§ 761.30(u)(1))

10. Paragraphs 1 through 9 above are hereby incorporated by reference as if fully set forth herein.

11. No person may use any PCB or PCB Item, regardless of concentration, in any manner other than in a totally enclosed manner within the United States, unless authorized under 40 C.F.R. § 761.30 or excepted under 40 C.F.R. § 761.20(a). 40 C.F.R. § 761.20(a); Section 6(e)(2)(A) of TSCA, 15 U.S.C. § 2605(e)(2)(A).

12. "Totally enclosed manner" means any manner that will ensure no exposure of human beings or the environment to any concentrations of PCBs. 40 C.F.R. § 761.3.

13. Pursuant to Section 6(e)(2)(B) of TSCA, 15 U.S.C. § 2605(e)(2)(B), 40 C.F.R. § 761.30 authorizes certain non-totally enclosed PCB activities. 40 C.F.R. § 761.30.

14. Any person may use equipment, structures, other non-liquid or liquid materials that were contaminated with PCBs during manufacture, use, servicing, or because of spills from, or proximity to PCBs $\geq$ 50 ppm, including those not otherwise authorized for use under this part, provided that (1) the materials were decontaminated in accordance with (a) a TSCA PCB disposal approval; (b) 40 C.F.R. § 761.79; or (c) applicable EPA PCB spill cleanup

policies. Materials that were not previously decontaminated can also be used if they meet the applicable decontamination standard in 40 C.F.R. § 761.79(b). 40 C.F.R. § 761.30(u)(1).

15. Provisions that apply to PCBs at concentrations of ≥ 50 ppm to < 500 ppm apply also to contaminated surfaces of 10 μg/100 cm^2 to ≤ 100 μg/100 cm^2. 40 C.F.R. § 761.1(b)(3).

16. On or about March 17, 2008, an EPA Region IX inspector and a representative of Respondent took side-by-side wipe samples from Building 3 at the Facility.

17. On or about March 25, 2008, Respondent received wipe sample results from its sampling showing PCB concentrations of ≥ 10 μg/100 cm^2 [50 ppm], specifically 11 μg/100 cm^2 and 15 μg/100 cm^2.

18. On or about April 4, 2008, Respondent began decontamination of Building 3.

19. From on or about March 25, 2008 to on or about April 4, 2008, Building 3 was "PCB-contaminated," as that term is defined by 40 C.F.R. § 761.3.

20. From on or about March 25, 2008 to on or about April 4, 2008, Respondent used Building 3 at the Facility without decontaminating it.

21. Respondent's use of Building 3 at the Facility from on or about March 25, 2008 to on or about April 4, 2008 without decontaminating it constitutes a violation of 40 C.F.R. §§ 761.30(u)(1) and 761.20(a) and Section 15(1)(C) of TSCA, 15 U.S.C. § 2614(1)(C), lasting 11 days.

COUNT II - Continued Use of PCB-Contaminated Structure (40 C.F.R.§ 761.30(u)(1))

22. Paragraphs 1 through 21 above are hereby incorporated by reference as if fully set forth herein.

23. On or about March 17, 2008, an EPA Region IX inspector and a representative of Respondent took side-by-side wipe samples from Building 4 at the Facility.

24. On or about March 25, 2008, Respondent received wipe sample results from its sampling showing a PCB concentration of $\geq$ 10 µg/100 cm^2 [50 ppm], specifically 19 µg/100 cm^2.

25. On or about April 4, 2008, Respondent began decontamination of Building 4.

26. From on or about March 25, 2008 to on or about April 4, 2008, Building 4 was "PCB-contaminated," as that term is defined by 40 C.F.R. § 761.3.

27. From on or about March 25, 2008 to on or about April 4, 2008, Respondent used Building 4 at the Facility without decontaminating it.

28. Respondent's use of Building 4 at the Facility from on or about March 25, 2008 to on or about April 4, 2008 without decontaminating it constitutes a violation of 40 C.F.R. §§ 761.30(u)(1) and 761.20(a) and Section 15(1)(C) of TSCA, 15 U.S.C. § 2614(1)(C), lasting 11 days.

COUNT III – Improper Disposal of PCBs (40 C.F.R. § 761.50(a)(4))

29. Paragraphs 1 through 28 above are hereby incorporated by reference as if fully set forth herein.

30. Any person storing or disposing of PCB waste must do so in accordance with Subpart D of 40 C.F.R. Part 761. 40 C.F.R. § 761.50(a).

31. "Disposal" means intentionally or accidentally to discard, throw away, or otherwise complete or terminate the useful life of PCBs and PCB Items. Disposal includes spills, leaks, and other uncontrolled discharges of PCBs as well as actions related to containing, transporting, destroying, degrading, decontaminating, or confining PCBs and PCB Items. 40 C.F.R. § 761.3.

32. Spills and other uncontrolled discharges or PCBs at concentrations of $\geq$50 ppm constitute the disposal of PCBs. 40 CFR § 761.50(a)(4).

33. On or about September 16, 2010, an EPA Region IX inspector took surface wipe samples from the concrete area adjacent to Building 2 at the Facility.

34. On or about November 8, 2010, EPA Region IX provided the wipe sample results to Respondent showing a PCB concentration of >10 μg/100 cm^2 and therefore > 50 ppm, specifically 150 μg/100 cm^2.

35. On or about November 13, 2010, Respondent began clean-up of the concrete area adjacent to Building 2 at the Facility.

36. The discharge of PCBs at concentrations of > 50 ppm on the concrete area adjacent to Building 2 at the Facility constitutes "disposal" of PCBs, as that term is defined at 40 C.F.R. § 761.3 and 40 C.F.R. § 761.50(a)(4).

37. The disposal of PCBs on the concrete area adjacent to Building 2 at the Facility was not in accordance with Subpart D of 40 C.F.R. Part 761.

38. Respondent's disposal of PCBs at concentrations of > 50 ppm on the concrete area adjacent to Building 2 at the Facility from on or about November 8, 2010 to on or about November 13, 2010 constitutes a violation of 40 C.F.R. § 761.50(a) and Section 15(1)(C) of TSCA, 15 U.S.C. § 2614(1)(C), lasting 6 days.

COUNT IV - Failure to Indicate the Removal from Service Date (40 C.F.R. § 761.65(c)(8))

39. Paragraphs 1 through 38 above are hereby incorporated by reference as if fully set forth herein.

40. PCB Items with PCB concentrations of 50 ppm or greater must be dated on the item when they are removed from service for disposal. The storage shall be managed so that the PCB Items can be located by this date. 40 C.F.R. § 761.65(c)(8).

41. On or about March 17, 2008, Respondent stored at the Facility two metal roll-off containers filled with PCB ballasts that had been removed from service for disposal.

42. The two metal roll-off containers filled with the ballasts are each a "PCB Item" as that term is defined at 40 C.F.R. § 761.3.

43. Each of the two metal roll-off containers filled with the ballasts contained PCBs with a concentration of 50 ppm or greater.

44. On or about March 17, 2008, Respondent had failed to put the date of removal from service for disposal on the two metal roll-off containers filled with the ballasts.

45. Respondent's failure to put the removal from service for disposal date on these metal roll-off containers constitutes a violation of 40 C.F.R. § 761.65(c)(8) and Section 15(1)(C) of TSCA, 15 U.S.C. § 2614(1)(C).

COUNT V - Failure to Indicate the Removal from Service Date (40 C.F.R. § 761.65(c)(8))

46. Paragraphs 1 through 45 above are hereby incorporated by reference as if fully set forth herein.

47. On or about September 16, 2010, Respondent stored at the Facility two metal roll-off containers filled with PCB ballasts that had been removed from service for disposal.

48. The two metal roll-off containers filled with the ballasts are each a "PCB Item" as that term is defined at 40 C.F.R. § 761.3.

49. Each of the two metal roll-off containers filled with the ballasts contained PCBs with a concentration of 50 ppm or greater.

50. On or about September 16, 2010, Respondent had failed to put the date of removal from service for disposal on the two metal roll-off containers filled with the ballasts.

51. Respondent's failure to put the removal from service for disposal date on these metal roll-off containers constitutes a violation of 40 C.F.R. § 761.65(c)(8) and Section 15(1)(C) of TSCA, 15 U.S.C. § 2614(1)(C).

COUNT VI - Failure to Mark PCB Containers (40 C.F.R. § 761.40(a)(1))

52. Paragraphs 1 through 51 above are hereby incorporated by reference as if fully set forth herein.

53. PCB Containers containing PCBs in concentrations of 50 to 500 ppm must be marked with the M_L mark as described in 40 C.F.R. § 761.45(a). 40 C.F.R. §§ 761.40(a)(1) and (e).

54. On or about March 17, 2008, Respondent had a bucket and two PCB decontamination bath tanks that collectively contained approximately 1300 gallons of liquid with PCB concentrations of > 50 ppm in Building 2 at the Facility.

55. The bucket and the two PCB decontamination bath tanks are each a "PCB Container," as that term is defined at 40 C.F.R. § 761.3.

56. On or about March 17, 2008, the bucket and the two PCB decontamination bath tanks were not marked with the M_L mark as described in § 761.45(a).

57. Respondent's failure to mark the bucket and the two PCB decontamination bath tanks in Building 2 with the M_L mark as described in § 761.45(a) constitutes a violation of 40 C.F.R. §§761.40(a)(1) and (e) and Section 15(1)(C) of TSCA, 15 U.S.C. § 2614(1)(C).

COUNT VII - Failure to Mark PCB Containers (40 C.F.R. § 761.40(a)(1))

58. Paragraphs 1 through 57 above are hereby incorporated by reference as if fully set forth herein.

59. On or about September 16, 2010, Respondent had a vacuum that it used to clean up its PCB storage and decommissioning area in the PCB storage and decommissioning area of Building 2 at the Facility.

60. The vacuum is a "PCB Container," as that term is defined at 40 C.F.R. § 761.3, that contained PCBs in concentrations of ≥ 50 ppm.

61. On or about September 16, 2010, the vacuum was not marked with the M_L mark as described in § 761.45(a).

62. Respondent's failure to mark the vacuum in Building 2 with the M_L mark as described in § 761.45(a) constitutes a violation of 40 C.F.R. §§ 761.40(a)(1) and (e) and Section 15(1)(C) of TSCA, 15 U.S.C. § 2614(1)(C).

PROPOSED CIVIL PENALTY

Section 16(a) (1) of TSCA, 15 U.S.C. § 2615(a)(1), authorizes the EPA Administrator to assess a civil penalty not to exceed $25,000 per day for each violation of Section 15 of TSCA, 15 U.S.C. § 2614. This statutory civil penalty has been raised to $32,500 per day for each violation that occurred after March 15, 2004 but on or before January 12, 2009 and to $37,500 per day for each violation that occurred after January 12, 2009, pursuant to the Federal Civil Penalties Inflation Adjustment Act of 1990, 28 U.S.C. § 2461, as amended, and its implementing regulation, the Civil Monetary Penalty Inflation Adjustment Rule codified at 40 C.F.R. Part 19.

Based upon the nature, circumstances, extent, and gravity of the violations alleged above and, with respect to the violator, ability to pay, effect on ability to continue to do business, any history of prior such violations, the degree of culpability, and such other matters as justice may require, as set forth in Section 16(a)(2(B) of TSCA, 15 U.S.C. § 2615(a)(2)(B), and EPA's Polychlorinated Biphenyls (PCB) Penalty Policy dated April 9, 1990 ("PCB Penalty Policy"), Complainant requests that the Administrator assess against Respondent a civil administrative penalty of up to $32,500 for each violation that occurred before January 12, 2009 and up to

$37,500 for each violation that occurred after January 12, 2009. A copy of the PCB Penalty Policy is enclosed with this Complaint.

NOTICE OF OPPORTUNITY FOR HEARING

Answer and Administrative Hearing

As provided in Section 16(a)(2)(A) of TSCA, 15 U.S.C. § 2615(a)(2)(A), you have the right to request a formal hearing in this matter. Any hearing requested will be conducted in accordance with the Administrative Procedure Act, 5 U.S.C. § 551 et. seq., and the Consolidated Rules of Practice Governing the Administrative Assessment of Civil Penalties and the Revocation/Termination or Suspension of Permits ("Consolidated Rules of Practice") at 40 C.F.R. Part 22. The Consolidated Rules of Practice govern these proceedings. A copy of the Consolidated Rules of Practice is enclosed with this Complaint.

You must file a written Answer within thirty (30) days of receiving this Complaint to avoid being found in default, which constitutes an admission of all facts alleged in the Complaint and a waiver of the right to a hearing, and to avoid having the above penalty assessed without further proceedings. If you choose to file an Answer, you are required by the Consolidated Rules of Practice to clearly and directly admit, deny, or explain each of the factual allegations contained in this Complaint to which you have any knowledge. If you have no knowledge of a particular fact and so state, the allegation is considered denied. Failure to deny any of the allegations in this Complaint will constitute an admission of the undenied allegation.

The Answer shall also state the circumstances and arguments, if any, which are alleged to constitute the grounds of defense, and shall specifically request an administrative hearing, if desired. If you deny any material fact or raise any affirmative defense, you will be considered to have requested a hearing.

The Answer must be filed with:

Regional Hearing Clerk
USEPA, Region IX
75 Hawthorne Street
San Francisco, CA 94105

In addition, please send a copy of the Answer and all other documents that you file in this action to:

Carol Bussey
Assistant Regional Counsel
Office of Regional Counsel (ORC-2)
USEPA, Region IX
75 Hawthorne Street
San Francisco, CA 94105

Ms. Bussey is the attorney assigned to represent EPA in this matter. Her telephone number is (415) 972-3950.

You are further informed that the Consolidated Rules of Practice prohibit any ex parte (unilateral) discussion of the merits of any action with the Regional Administrator, Regional Judicial Officer, Administrative Law Judge, or any person likely to advise these officials in the decision of the case, after the Complaint is issued.

Informal Settlement Conference

EPA encourages all parties against whom a civil penalty is proposed to pursue the possibility of settlement through informal conferences. Therefore, whether or not you request a hearing, you may confer informally with EPA through Carol Bussey, the EPA attorney assigned to this case, regarding the facts of this case, the amount of the proposed penalty, and the possibility of settlement. An informal settlement conference does not, however, affect your obligation to file an Answer to this Complaint.

Alternative Dispute Resolution

The parties also may engage in any process within the scope of the Alternative Dispute Resolution Act, 5 U.S.C. §§ 581 et seq., which may facilitate voluntary settlement efforts. Dispute resolution using alternative means of dispute resolution does not divest the Presiding Officer of jurisdiction nor does it automatically stay the proceeding.

Consent Agreement and Final Order

EPA has the authority, where appropriate, to modify the amount of the proposed penalty to reflect any settlement reached with you in an informal conference or through alternative dispute resolution. The terms of such an agreement would be embodied in a Consent Agreement and Final Order. A Consent Agreement signed by both parties would be binding as to all terms and conditions specified therein when the Regional Judicial Officer signs the Final Order.

Dated at San Francisco, California on this 30th day of April, 2013

Kathleen H. Johnson
Director
Enforcement Division
USEPA, Region IX

CERTIFICATE OF SERVICE

I certify that the original and one copy of the foregoing Complaint and Notice of Opportunity for Hearing was hand delivered to:

Regional Hearing Clerk
United States Environmental Protection Agency, Region IX
75 Hawthorne Street
San Francisco, California 94105

and that a true and correct copy of the Complaint; the Consolidated Rules of Practice, 40 C.F.R. Part 22; and the PCB Penalty Policy were placed in the United States Mail, certified mail, return receipt requested, addressed to the following:

Veolia ES Technical Solutions, LLC
C/O CT Corporation System
2390 E. Camelback Road
Phoenix, AZ 85016
Certified Mail No. 7000 1670 0009 3120 7089

And an additional copy was sent regular mail to:

Greig R. Siedor
Chief Legal Officer
Veolia ES Technical Solutions, LLC
P.O. Box 1238
Sheffield, MA 01257

Dated: 4/30/13 By: Chris Rollins

Enforcement Division
U.S. Environmental Protection Agency, Region IX

Consent Agreement and Final Order

(September 30, 2013)

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION IX
75 Hawthorne Street
San Francisco, CA 94105

http://www.epa.gov/region9/waste/enforcement/index.html

Certified Mail No.:7000 0520 0021 6109 1604
Return Receipt Requested

SEP 3 0 2013

Wayne R. Bulsiewicz
Veolia ES Technical Solutions, LLC
5736 W. Jefferson Street
Phoenix, AZ 85043

Re: Consent Agreement and Final Order In the Matter of
Veolia ES Technical Solutions, LLC

Dear Mr. Bulsiewicz:

Please find enclosed the final executed Consent Agreement and Final Order (CA/FO) negotiated between the United States Environmental Protection Agency, Region IX (EPA), and Veolia ES Technical Solutions, LLC (Veolia).

This CA/FO sets out the terms for resolution of the Toxic Substances Control Act (TSCA) administrative civil penalty action against Veolia for alleged violations of the polychlorinated biphenyls (PCBs) requirements. Specifically, Veolia failed to properly mark, use and dispose of PCBs as required under 40 C.F.R. Part 761.

Veolia's full compliance with the payment terms of this CA/FO and completion of all tasks in accordance with the terms of this CA/FO will close this case. If you have any questions regarding the PCB regulations governing your operations or the rules which govern the proceedings terminated by the enclosed document, please contact Christopher Rollins of my staff at (415) 947-4166, or Carol Bussey, in the Office of Regional Counsel, at (415) 972-3950.

Sincerely,

Kathleen H. Johnson, Director
Enforcement Division

Enclosure

UNITED STATES
ENVIRONMENTAL PROTECTION AGENCY
REGION IX
75 HAWTHORNE STREET
SAN FRANCISCO, CA 94105

IN THE MATTER OF:	Docket No.TSCA-09-2013-0004
Veolia ES Technical Solutions, L.L.C.,	CONSENT AGREEMENT AND FINAL ORDER
Respondent.	

I. CONSENT AGREEMENT

Complainant, the Director of the Enforcement Division, United States Environmental Protection Agency ("EPA"), Region IX and Respondent, Veolia ES Technical Solutions, L.L.C., seek to settle this case initiated against Respondent under Section 16(a) of the Toxic Substances Control Act ("TSCA"), 15 U.S.C. § 2615(a), and consent to the entry of this Consent Agreement and Final Order ("CAFO").

A. AUTHORITY

1. EPA initiated this civil administrative proceeding for the assessment of a civil penalty under TSCA pursuant to Section 16(a) of TSCA, 15 U.S.C. § 2615(a), by issuing a Complaint and Notice of Opportunity for Hearing ("Complaint") against Respondent on April 30, 2013 in accordance with the Consolidated Rules of Practice Governing thc Administrative Assessment of Civil Penalties and the Revocation/Termination or Suspension of Permits at 40 C.F.R. Part 22.

2. The Complaint alleges that Respondent violated Section 15 of TSCA by violating implementing regulations governing the

use, manufacture, processing, distribution, and disposal of polychlorinated biphenyls ("PCBs") at 40 C.F.R. Part 761.

3. EPA and Respondent have agreed to resolve this civil administrative proceeding by executing this CAFO pursuant to 40 C.F.R. § 22.18(b).

B. RESPONDENTS' ADMISSIONS

4. In accordance with 40 C.F.R. § 22.18(b)(2) and for the purpose of this proceeding, Respondent (i) admits that EPA has jurisdiction over the subject matter of this CAFO and over Respondent; (ii) neither admits nor denies the specific factual allegations contained in the Complaint; (iii) consents to any and all conditions specified in this CAFO and to the assessment of the civil administrative penalty under Section C of this CAFO; (iv) waives any right to contest the allegations contained in the Complaint; and (v) waives the right to appeal the proposed final order contained in this CAFO.

C. CIVIL ADMINISTRATIVE PENALTY

5. Respondent agrees to the assessment of a penalty in the amount of NINETY-FIVE THOUSAND DOLLARS ($95,000) as final settlement of the civil claims against Respondent arising under TSCA, as alleged in the Complaint.

6. Respondent shall pay the assessed penalty no later than thirty (30) days after the effective date of the CAFO. The assessed penalty shall be paid by **certified or cashier's check**, payable to "Treasurer, United States of America," or paid

by one of the other methods listed below and sent as follows:

Regular Mail:
U.S. Environmental Protection Agency
Fines and Penalties
Cincinnati Finance Center
PO Box 979077
St. Louis, MO 63197-9000

Wire Transfers:

Wire transfers must be sent directly to the Federal Reserve Bank in New York City with the following information:

Federal Reserve Bank of New York
ABA = 021030004
Account = 68010727
SWIFT address = FRNYUS33
33 Liberty Street
New York, NY 10045
Field Tag 4200 of the Fedwire message should read "D 68010727 Environmental Protection Agency"

Overnight Mail:

U.S. Bank
1005 Convention Plaza
Mail Station SL-MO-C2GL
ATTN Box 979077
St. Louis, MO 63101

ACH (also known as REX or remittance express):

Automated Clearinghouse (ACH) for receiving US currency
PNC Bank
808 17th Street, NW
Washington, DC 20074
ABA = 051036706
Transaction Code 22 - checking
Environmental Protection Agency
Account 31006
CTX Format

On Line Payment:

This payment option can be accessed from the information below:

www.pay.gov
Enter "sfol.1" in the search field
Open form and complete required fields

If clarification regarding a particular method of payment remittance is needed, contact the EPA Cincinnati Finance Center at 513-487-2091.

In addition, a copy of the check or notification that the payment has been made by one of the other methods listed above, including proof of the date payment was made, shall be sent with a transmittal letter indicating Respondent's name, the case title, and the docket number to:

a) Regional Hearing Clerk (ORC-1)
Office of Regional Counsel
U.S. Environmental Protection Agency, Region IX
75 Hawthorne Street
San Francisco, California 94105

b) Chris Rollins
Waste Enforcement Office (ENF-2-2)
Enforcement Division
U.S. Environmental Protection Agency, Region IX
75 Hawthorne Street
San Francisco, California 94105

7. Payment of the above civil administrative penalty shall not be used by Respondent or any other person as a tax deduction from Respondent's federal, state, or local taxes.

8. If Respondent fails to pay the assessed civil administrative penalty specified in Paragraph 5 by the deadline specified in Paragraph 6 of this CAFO, Respondent shall pay to EPA the stipulated penalty of $1,500 per day for each day payment is late in addition to the assessed penalty. Stipulated penalties shall accrue until such time as the assessed penalty and all accrued stipulated penalties are paid and shall become due and payable upon written request by EPA. In addition, failure to pay the civil administrative penalty by the deadline

specified in Paragraph 6 may lead to any or all of the following actions:

a. The debt being referred to a credit reporting agency, a collection agency, or to the Department of Justice for filing of a collection action in the appropriate United States District Court. 40 C.F.R. §§ 13.13, 13.14, and 13.33. In any such collection action, the validity, amount, and appropriateness of the assessed penalty and of this CAFO shall not be subject to review.

b. The debt being collected by administrative offset (i.e., the withholding of money payable by the United States to, or held by the United States for, a person to satisfy the debt the person owes the Government), which includes, but is not limited to, referral to the Internal Revenue Service for offset against income tax refunds. 40 C.F.R. Part 13, Subparts C and H.

c. EPA may (i) suspend or revoke Respondent's licenses or other privileges; or (ii) suspend or disqualify Respondent from doing business with EPA or engaging in programs EPA sponsors or funds. 40 C.F.R. § 13.17.

d. In accordance with the Debt Collection Act of 1982 and 40 C.F.R. Part 13 interest, penalties charges, and administrative costs will be assessed against the outstanding amount that Respondent owes to EPA for Respondent's failure to pay the civil administrative penalty by the deadline specified in Paragraph 6. Interest will be assessed at an annual rate that is equal to the

rate of current value of funds to the United States Treasury (i.e., the Treasury tax and loan account rate) as prescribed and published by the Secretary of the Treasury in the Federal Register and the Treasury Fiscal Requirements Manual Bulletins. 40 C.F.R. § 13.11(a)(1). Penalty charges will be assessed monthly at a rate of 6% per annum. 40 C.F.R. § 13.11(c). Administrative costs for handling and collecting Respondent's overdue debt will be based on either actual or average cost incurred, and will include both direct and indirect costs. 40 C.F.R. § 13.11(b). In addition, if this matter is referred to another department or agency (e.g., the Department of Justice, the Internal Revenue Service), that department or agency may assess its own administrative costs, in addition to EPA's administrative costs, for handling and collecting Respondents' overdue debt.

D. RESPONDENT'S CERTIFICATION

9. In executing this CAFO, Respondent certifies that it is now in compliance with 40 C.F.R. Part 761 at its facility located in Phoenix, Arizona.

E. RETENTION OF RIGHTS

10. In accordance with 40 C.F.R. § 22.18(c), this CAFO only resolves Respondent's liability for federal civil penalties for the violation and facts specifically alleged in the Complaint. Nothing in this CAFO is intended to or shall be construed to resolve (i) any civil liability for violations of

any provision of any federal, state, or local law, statute, regulation, rule, ordinance, or permit not specifically alleged in the Complaint; or (ii) any criminal liability. EPA specifically reserves any and all authorities, rights, and remedies available to it (including, but not limited to, injunctive or other equitable relief or criminal sanctions) to address any violation of this CAFO or any violation not specifically alleged in the Complaint.

11. This CAFO does not exempt, relieve, modify, or affect in any way Respondent's duty to comply with all applicable federal, state, and local laws, regulations, rules, ordinances, and permits.

F. ATTORNEYS' FEES AND COSTS

12. Except as set forth in Paragraph 8(c) above, each party shall bear its own costs, fees, and disbursements incurred in this action.

G. EFFECTIVE DATE

13. In accordance with 40 C.F.R. §§ 22.18(b)(3) and 22.31(b), this CAFO shall be effective on the date that the final order contained in this CAFO, having been approved and issued by either the Regional Judicial Officer or Regional Administrator, is filed.

H. BINDING EFFECT

14. The undersigned representative of Complainant and the undersigned representative of Respondent each certifies that he

or she is fully authorized to enter into the terms and conditions of this CAFO and to bind the party he or she represents to this CAFO.

15. This Consent Agreement constitutes the entire agreement between the parties resolving this matter arising under TSCA.

16. The provisions of this CAFO shall be binding on Respondent and its successors and assigns.

FOR RESPONDENT, VEOLIA ES TECHNICAL SOLUTIONS, L.L.C.

Date: 9/9/13 By: _____
Robert E. Cappadona
Vice President of Service Operations
VEOLIA ES TECHNICAL SOLUTIONS, L.L.C.

FOR COMPLAINANT, EPA REGION IX

Date: 9/26/13 By: _____
Kathleen H. Johnson
Director, Enforcement Division
U.S. ENVIRONMENTAL PROTECTION AGENCY, REGION IX

II. FINAL ORDER

Complainant and Respondent, having entered into the foregoing Consent Agreement,

IT IS HEREBY ORDERED that this CAFO (Docket No. TSCA-09-2013-0004) be entered, and that Respondent shall pay a civil administrative penalty in the amount of NINETY-FIVE THOUSAND DOLLARS ($95,000) and comply with the terms and conditions set forth in the Consent Agreement.

09/27/13
DATE

STEVEN L. JAWGIEL
Regional Judicial Officer
U.S. Environmental Protection Agency, Region IX

CERTIFICATE OF SERVICE

I certify that the original of the fully executed Consent Agreement and Final Order in the matter of VEOLIA ES TECHNICAL SOLUTIONS, LLC (**Docket No: TSCA-09-2013-0004**) was filed with the Regional Hearing Clerk, U.S. EPA, Region IX, 75 Hawthorne Street, San Francisco, CA 94105, and that a true and correct copy of the same was sent to the following parties:

A copy was mailed via CERTIFIED MAIL to:

Mr. Wayne R. Bulsiewicz
Veolia ES Technical Solutions, LLC
5736 W. Jefferson Street
Phoenix, AZ 85043

CERTIFIED MAIL NUMBER: 7000 0520 0021 6109 1604

A copy was mailed via REGULAR MAIL to:

Greig R. Seidor
Chief Legal Officer
Veolia ES Technical Solutions, LLC
P.O. Box 1238
Sheffield, MA 01257

And an additional copy was hand-delivered to the following U.S. EPA attorney:

Carol Bussey
Office of Regional Counsel
U.S. EPA, Region IX
75 Hawthorne Street
San Francisco, CA 94105

Bryan K. Goodwin
Regional Hearing Clerk
U.S. EPA, Region IX

9/30/13
Date

APPENDIX E – ENDANGERED SPECIES ACT – BIOLOGICAL OPINION

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 9

75 Hawthorne Street
San Francisco, CA 94105-3901

March 7, 2011

MEMORANDUM

SUBJECT: Veolia Environmental Services Facility, 5736 West Jefferson Street, Phoenix Arizona TSCA Permit: EPA Endangered Species Act Obligations

FROM: John Beach
Environmental Scientist

TO: Ron Leach
Permit Writer

I understand that EPA is considering renewal and/or modification of the TSCA PCB Approval for the subject facility. I understand that the facility is used to store, drain and solvent-wash PCB transformers and other equipment. I have reviewed the setting for the Veolia site using Google Earth and the informal (web-based) USFWS list of Threatened and Endangered species for Maricopa County, Arizona. Based on my review, I have determined that the proposed facility operations under the TSCA PCB permit will not affect threatened or endangered species or designated critical habitat. The site and immediate surrounding area are completely industrial urban and there is no nearby habitat for these special status species.

With this determination, EPA completes is obligation under Section 7 of the Endangered Species Act and does not need to consult with the US Fish and Wildlife Service in order to issue the permit.

Please contact me if you have questions.

APPENDIX F – NATIONAL HISTORIC PRESERVATION ACT (SHPO APPROVAL)

NHPA

Arizona State Parks
AZStateParks.com

15 October 2012

Caleb Shaffer
Manager
RCRA Facilities Management Office
United States Environmental Protection Agency, Region IX
75 Hawthorne Street
San Francisco, CA 94105

RE: Permit renewal for Veolia Environmental Services Technical Solutions, LLC; 5736 West Jefferson Street, Phoenix; EPA; EPA ID AZ0 000 337 360; **SHPO-2006-1379 (108286)**

Dear Mr. Shaffer:

Thank you for consulting with our office regarding the above referenced federal undertaking. Pursuant to 36 C.F.R. Part 800, the implementing regulation for Section 106 of the National Historic Preservation Act, we have reviewed the documentation submitted, and we concur with a finding of no historic properties affected. If you have any questions or concerns, then please do not hesitate to contact me via e-mail, elaurila@azstateparks.gov, or by phone, 602-542-7120.

Sincerely,

Erick M. Laurila
Compliance Specialist/ Archaeologist
Arizona State Historic Preservation Office

Appendix G – Approval Modification Classifications

Modifications	Class
A. *General Approval Provisions*	
1. Administrative and informational changes	1
2. Correction of typographical errors	1
3. Equipment replacement or upgrading with functionally equivalent components (e.g., pipes, valves, pumps, conveyors, controls)	1
4. Changes in the frequency of or procedures for monitoring, reporting, sampling, or maintenance activities by Veolia:	
a. To provide for more frequent monitoring, reporting, sampling, or maintenance	1
b. Other changes	2
5. Changes in expiration date of Approval to allow earlier termination, with prior approval of EPA	1*
6. Changes in ownership or operational control of a facility	1*
7. Changes to remove Approval conditions that are no longer applicable (*i.e.,* because the standards upon which they are based are no longer applicable to the facility)	1*
B. *General Facility Standards*	
1. Changes to waste sampling or analysis methods:	
a. To conform with agency guidance or regulations	1
b. To incorporate changes associated with underlying hazardous constituents in ignitable or corrosive wastes	1*
c. Other changes	2
2. Changes to analytical quality assurance/control plan:	
a. To conform with agency guidance or regulations	1
b. Other changes	2
3. Changes in procedures for maintaining the operating record	1
4. Changes in frequency or content of inspection schedules	2

5. Changes in the training plan:	
a. That affect the type or decrease the amount of training given to employees	2
b. Other changes	1
6. Spill Prevention Control and Countermeasures Plan:	
a. Changes in emergency procedures (i.e., spill or release response procedures)	2
b. Replacement with functionally equivalent equipment, upgrade, or relocate emergency equipment listed	1
c. Removal of equipment from emergency equipment list	2
d. Changes in name, address, or phone number of coordinators or other persons or agencies identified in the plan	1
C. *Closure*	
1. Closure Plan:	
a. Changes in estimate of maximum extent of operations or maximum inventory of waste on-site at any time during the active life of the facility, with prior approval of EPA	1*
b. Changes in the closure schedule for any unit, changes in the final closure schedule for the facility, or extension of the closure period, with prior approval of EPA	1*
c. Changes in the expected year of final closure, where other Approval conditions are not changed, with prior approval of EPA	1*
d. Changes in procedures for decontamination of facility equipment or structures, with prior approval of EPA	1*
e. Changes in approved closure plan resulting from unexpected events occurring during partial or final closure, unless otherwise specified in this appendix	2
2. Addition of the following new units to be used temporarily for closure activities:	
a. Surface impoundments	3
b. Incinerators	3
c. Tanks or containers (other than specified below)	2

d. Tanks used for neutralization, dewatering, phase separation, or component separation, with prior approval of EPA	1*
e. Staging piles	2
D. *Containers*	
1. Modification or addition of container units:	
a. Resulting in greater than 25% increase in the facility's container storage capacity	3
b. Resulting in up to 25% increase in the facility's container storage capacity	2
2. Modification of containers	
a. Modification of a container unit without increasing the capacity of the unit	2
b. Addition of a roof to a container unit without alteration of the containment system	1
3. Storage of different wastes in containers	
a. That require additional or different management practices from those authorized in the Approval	3
b. That do not require additional or different management practices from those authorized in the Approval	2
E. *Tanks*	
1. Modification of tanks	
a. Modification or addition of tank units resulting in greater than 25% increase in the facility's tank capacity	3
b. Modification or addition of tank units resulting in up to 25% increase in the facility's tank capacity	2
c. Addition of a new tank that will operate for more than 90 days using any of the following physical or chemical treatment technologies: neutralization, dewatering, phase separation, or component separation	2
d. After prior approval of EPA, addition of a new tank that will operate for up to 90 days using any of the following physical or chemical treatment technologies: neutralization, dewatering, phase separation, or component separation	1*

2. Modification of a tank unit or secondary containment system without increasing the capacity of the unit	2
3. Replacement of a tank with a tank that meets the same design standards and has a capacity within ±10% of the replaced tank provided	1
a. The capacity difference is no more than 1500 gallons,	
b. The facility's permitted tank capacity is not increased, and	
c. The replacement tank meets the same conditions in the Approval.	
4. Modification of a tank management practice	2
5. Management of different wastes in tanks:	
a. That require additional or different management practices, tank design, different fire protection specifications, or significantly different tank treatment process from that authorized in the Approval	3
b. That do not require additional or different management practices, tank design, different fire protection specifications, or significantly different tank treatment process than authorized in the Approval	2

*Class 1 modifications requiring prior EPA approval.