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UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 5
77 WEST JACKSON BOULEVARD
CHICAGO, ILLINOIS 60604

IN THE MATTER OF:)	APPROVAL TO COMMERCIALY
BEDFORD RECYCLING, INC.)	STORE POLYCHLORINATED
1005 4 th STREET)	BIPHENYLS (PCBs)
BEDFORD, INDIANA)	
IND 040 292 237)	

AUTHORITY

This Approval to Commercially Store Polychlorinated Biphenyls (“PCB”) Waste is issued pursuant to Section 6(e)(1) of the Toxic Substances Control Act (“TSCA”), 15 U.S.C. § 2605(e)(1), and 40 C.F.R. Part 761 “Polychlorinated Biphenyls (PCBs) Manufacturing, Processing, Distribution in Commerce, and Use Prohibitions” (“PCB Regulation”).

BACKGROUND

Section 6(e)(1) of the Toxic Substances Control Act (TSCA) requires that the United States Environmental Protection Agency (EPA) promulgate rules for the disposal of PCBs. Rules implementing TSCA Section 6(e) were published in the May 31, 1979, Federal Register (44 FR 31542) and recodified in the May 6, 1982, Federal Register (47 FR 19527). Those rules also regulated the storage of PCB waste prior to disposal under the TSCA Section 6(e)(1) disposal authority for PCBs. Amendments to those rules were published in the December 21, 1989, Federal Register (54 FR 52746).

Bedford Recycling, Inc. (BRI) is engaged in the storage of PCB bulk product waste generated by others, in quantities greater than 500 gallons, at its facility in Bedford, Indiana. On August 1, 2012, EPA received an initial commercial PCB storage approval application (application) dated July 2012.

On December 3, 2012 EPA sent to BRI a Notice of PCB Commercial Storage Application Deficiency, requesting additional information on the design and operation of the facility. Bedford responded to the deficiencies outlined in the notice letter in a submittal dated December 21,

2012. EPA issued another request for additional information by email to Michael Parsons on May 17, 2013. BRI submitted to EPA a revised application dated July 2013 addressing EPA's additional concerns, which was received on August 2, 2013. The July 2013 application from BRI is the basis for this Approval.

APPLICABLE REGULATIONS

This Approval is developed in accordance with the applicable requirements of the PCB regulations. The rules applicable to the storage for disposal of PCBs at concentrations of 50 ppm or greater and PCB Items with PCB concentrations of 50 ppm or greater are codified at 40 C.F.R. § 761.65 "Storage for disposal." These rules require, among other things, that commercial storers of PCB waste, storing regulated PCB containing material in quantities greater than 500 gallons, obtain a written Approval issued by the Regional Administrator for the region in which the storage facility is located. On October 22, 2007, the authority of the Regional Administrator was delegated to the Director, Land and Chemicals Division, EPA, Region 5.

DEFINITIONS

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

"Approval" means EPA's initial approval of BRI's application, and any subsequent EPA-approved written modifications thereto.

"Application" and "BRI Application" mean BRI's July 2013 application, and any subsequent BRI application that EPA approves in writing as a modification to this Approval.

"Director" means the Director, Land and Chemicals Division, EPA, Region 5.

"Footprint" means the area of the storage area floor space taken up by the PCB bulk product waste.

"LCD" means the Land and Chemicals Division, EPA, Region 5.

"Regional Administrator" means the Regional Administrator, EPA, Region 5.

"BRI" means Bedford Recycling, Inc., the company which owns and operates a PCB waste commercial storage facility at 1005 4th Street, Bedford, Indiana, and which is approved to commercially store PCB waste under this Approval.

"Bedford " and "Facility" mean the PCB waste commercial storage facility located at 1005 4th Street in Bedford, Indiana.

" EPA" means the United States Environmental Protection Agency, Region 5.

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APPROVAL

BRI submitted an application to EPA to commercially store PCB bulk product waste for disposal at the BRI Facility, 1005 4th Street in Bedford, Indiana, latitude: 38.87564 and longitude: -86.484213. Upon review of the BRI application dated July 2013, EPA has determined that all the requirements set forth in 40 C.F.R. § 761.65(d)(2)(i) through (d)(2)(vii) have been met. Specifically, the application indicates that BRI operations, storage facility, employee qualifications, and financial plans for closure satisfy such requirements. EPA approves the BRI application to commercially store PCB bulk product waste for disposal at the BRI Facility.

This Approval shall become effective on the date the Regional Administrator or her delegate signs the Approval and shall expire five years from such date, unless suspended, revoked or terminated in accordance with the Approval provisions, or otherwise authorized under applicable law.

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

Date: _____

Margaret M. Guerriero, Director
Land and Chemicals Division
United States Environmental Protection Agency
Region 5

Bedford Recycling, Inc.
Bedford, Indiana

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I. STANDARD CONDITIONS

A. Effect of Approval

BRI may store PCB bulk product waste in accordance with these Approval Conditions and the Federal PCB regulations at 40 CFR Part 761. Any storage of PCBs and/or PCB items not authorized in this Approval is prohibited.

Issuance of this Approval does not convey property rights of any part or any exclusive privilege, nor does it authorize any injury to persons such as the BRI employees, agents or contractors, any property damage, any invasion of other private rights or any infringement of State or local laws or regulations.

Compliance with these Approval Conditions does not establish a defense to any other law that provides protection from any unreasonable risk to public health and the environment, including the Federal PCB regulations at 40 C.F.R. Part 761.

This Approval does not relieve BRI from compliance with all applicable Federal, state and local regulatory requirements, including the Federal PCB regulations at 40 C.F.R. Part 761.

B. Approval Suspension/Revocation

Departure from these Approval Conditions, the approved application or approved modification(s) to this Approval, or the Federal PCB regulations without a prior written Approval by EPA may result in the immediate suspension of this approval and/or the commencement of proceedings to revoke this Approval and/or appropriate enforcement action under any or all applicable statutes and regulations.

This Approval may be suspended or revoked at any time by EPA if it has reason to believe that the continued operation of BRI presents an unreasonable risk to human health or the environment.

C. Approval Compliance

BRI must comply and operate the Facility in accordance with Section 6(e) of TSCA, 15 U.S.C § 2605(e), and the PCB Regulation, including the requirements of the “PCB Spill Cleanup Policy” codified at 40 C.F.R. Part 761, Subpart G.

This Approval is based on the facts, representations, and certifications made by BRI in its application dated July 2013 (incorporated herein by reference). In the event that these

Approval Conditions are inconsistent with the final approved application, BRI must abide by the Approval Conditions stated herein.

D. Duty to Report Noncompliance

If at any time BRI becomes aware that it is operating the Facility in a manner that is not in compliance with this Approval, BRI shall notify the EPA, Region 5, LCD RCRA Branch Chief by telephone at (312) 866-0838 within 24 hours and shall submit a written report to EPA describing the inconsistencies within five calendar days.

E. Severability

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

F. Approval Renewal

To continue the commercial storage of PCB bulk product waste granted by this Approval after the expiration date of this Approval, BRI must notify EPA by written notice of intention to continue the Approval at least 180 days, but not more than 270 days prior to the expiration date of this Approval.

EPA may require BRI to submit additional information in connection with the renewal of this Approval. EPA shall review the submitted information and determine if this Approval is to be renewed.

G. Approval Expiration

This Approval shall expire five years from the date of issuance of this Approval. This Approval and its conditions herein will remain in effect beyond the Approval expiration date if BRI has submitted a timely, complete and adequate notice of intent to continue the Approval and, through no fault of BRI, the Regional Administrator or his or her designee has not issued an Approval renewal.

H. Approval Modification

BRI must notify EPA in writing of any intended modification of this Approval or BRI's final approved application. A "major modification" is defined as any change to the storage areas, the maximum PCB storage inventory, the closure plan, or any other changes which affect overall performance or environmental impact. A major modification to this Approval or the final application shall be acceptable only upon the

written Approval of the Regional Administrator or his or her designee.

A "minor modification" is defined as administrative and informational changes, correction to typographical errors, changes to conform to agency guidance or regulations, or any other change which does not affect overall performance or environmental impact. A minor modification to this Approval or the final application shall be acceptable upon the written concurrence of the appropriate Branch Chief of EPA, Region 5.

I. Entry and Inspection

BRI must allow EPA authorized representative(s) to, at reasonable times:

1. Inspect BRI's property to determine compliance with this Approval or the Federal PCB regulations;
2. Inspect any records that must be kept relative to this Approval or the Federal PCB regulations;
3. Take sample(s) for the purpose of assessing this Approval or the Federal PCB regulations; and
4. Inspect BRI's activities relative to this Approval or the Federal PCB regulations.

J. Change in Ownership

The EPA will recognize the transfer of this Approval to a new owner/operator if all of the following conditions are met by the date of transfer:

1. The transferee demonstrates it has established financial assurance for closure of the facility pursuant to 40 C.F.R. § 761.65(g) using a mechanism effective as of the date of transfer so that there will be no lapse in financial assurance for closure of the transferred facility.
2. The transferee submits a new and complete application for final storage Approval including all of the elements listed in 40 C.F.R. § 761.65(d).
3. The transferee submits a signed and notarized affidavit which states that the transferee shall comply with all the terms and conditions of this Approval.

Failure by BRI or the transferee to comply with any of the provisions of this condition shall render this Approval null and void.

K. Inapplicability of Paperwork Reduction Act

Any and all information required to be maintained or submitted pursuant to this Approval is not subject to the Paperwork Reduction Act of 1980, 44 U.S.C. §§ 3501 *et seq.*, because it is information collected by EPA from a specific individual or entity for the purpose of assuring compliance with this approval.

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II. GENERAL FACILITY CONDITIONS

A. Operation of Facility

1. BRI must maintain and operate the facility to prevent fire, explosion, or releases of PCBs to air, soil, ground water or surface water and reduce PCB exposure to its workers.
2. All processing (disassembly and decontamination) of PCB bulk product waste shall be conducted within the Facility.
3. Any cutting tool or other device used in processing PCB bulk product waste must be operated in a manner to prevent heating of the material which may result in the vaporization of PCBs and the subsequent uncontrolled entry of PCBs to the environment.
 - a. BRI shall not use a cutting torch or other thermal methods to cut PCB contaminated metal unless the unit being cut is first decontaminated to meet 40 C.F.R. §761.79(b)(3)(i)(A); or
 - b. BRI shall conduct a demonstration test to prove to EPA's satisfaction that BRI can effectively trap and remove particulate and volatilized PCBs emissions generated from torch cutting PCB contaminated metal surfaces. Any such testing or subsequent operational use of a cutting torch on PCB contaminated surfaces requires EPA's prior written Approval.
4. The BRI facility must be secured to restrict public access.
5. Failure to comply with any of the Facility operation, limitation of exposure and control of release requirements described above shall be deemed a violation of this Approval.

B. Sampling/Analysis

During any sampling or analysis of PCBs at the BRI facility, BRI must follow the procedures described in 40 CFR 761 Subparts N, O, and/or P, or the EPA Field Manual for Grid Sampling of PCB Spill Sites to Verify Cleanup, as applicable.

PCB levels for liquid and non-liquid samples must be reported as total PCBs calculated by comparison to the relevant Aroclor standards.

C. Security

BRI must maintain the chain link fence surrounding the property and building security system so that public access to the site is restricted.

D. Personnel Training

BRI must ensure that personnel, who are directly involved with handling PCBs are familiar with the requirements of this Approval, and the regulatory requirements under 40 C.F.R. Part 761.

E. Safety

1. BRI must comply with the Health and Safety Plan provided in the final approved application.
2. BRI must ensure compliance with the applicable health and safety standards, as required by Federal, state and local regulations and ordinances.

F. Spills

1. If in the course of operation, there is a spill or release of one pound or more of pure PCBs (a reportable quantity [RQ] as defined under the Comprehensive Environmental Response Compensation and Liability Act, 40 C.F.R. Part 302, (Designation Reportable Quantities and Notification) BRI must notify the National Response Center at (800) 424-8802, and EPA, Region 5, RCRA/TSCA Programs Section, at (312) 886-0838. Releases or spills of PCBs below the RQ that pose a potential for significant exposure to humans, animals, or the environment, must be reported to the EPA, Region5, RCRA/TSCA Programs Section, (312) 886-0838, or the Emergency Response Section at (312) 353-2318.
2. A written summary report about this incident must be submitted to EPA within five business days following the incident. When EPA requests a detailed report on the incident, this report must be submitted to EPA within 15 business days following the request. The detailed report must include, but not be limited to, a description of the spill, cleanup activities, and changes in the BRI operations to prevent such spills in the future.
3. Cleanup of PCB spills must begin immediately pursuant to 40 C.F.R. Part 761, Subpart G, PCB Spill Cleanup Policy, or 40 C.F.R. § 761.61, PCB Remediation Waste, as applicable. The cleanup standards in the PCB Spill Cleanup Policy may

only be applied for spills of PCBs that are less than 72 hours old.

4. Any debris or solid wastes generated as a result of clean up or decontamination of a PCB spill or release must be disposed of in a facility approved to dispose of PCBs under 40 C.F.R. § 761.60 and/or 761.61, as applicable.

G. Location Standard

BRI must notify the EPA, Region 5, RCRA/TSCA Programs Section, (312) 886-0838, immediately upon discovery that the site has been redesignated as being in a 100-year flood plain.

H. Emergency Procedures

BRI must, without delay, implement the appropriate measures described in Appendix C, Health and Safety Plan included in the final approved application whenever there is a fire or any PCB related emergency which could threaten human health or the environment. This plan must be maintained at the facility. In such an emergency, BRI must notify the EPA, Region 5, RCRA/TSCA Programs Section, (312) 886-0838, and the Emergency Response Section at (312) 353-2318.

This plan must be immediately amended by BRI upon any failure of the plan in an emergency, change of emergency equipment, change within the facility or with personnel, or any request by EPA, Region 5, RCRA/TSCA Programs Section, and promptly submitted to the EPA, Region 5, RCRA/TSCA Programs Section.

I. Recordkeeping and Reporting

1. All reports and other information requested by EPA must be signed by the Facility manager.
2. BRI must maintain the records of daily storage inspections and routine sampling, as specified in Condition III, H and I of this Approval, and these records must be made available to EPA upon request.
3. BRI must retain all records required by this Approval or the Federal PCB regulations at 40 C.F.R. Part 761 during the course of any unresolved enforcement action regarding the facility or upon request by the Regional Administrator or his or her designee, notwithstanding any other provision of this Approval or the Federal PCB regulations at 40 C.F.R. Part 761.

J. Closure and Financial Requirements

1. BRI must maintain a closure plan and financial assurance for closure, in accordance with 40 C.F.R. § 761.65(e), (f) and (g), respectively. The facility has filed with the Regional Administrator a closure plan and financial assurance for closure in compliance with the regulatory requirements.
2. When the Regional Administrator or his or her designee approves a modification to the facility's closure plan and that modification increases the cost of closure, BRI must revise the closure cost estimate and the financial assurance mechanism, if applicable, no later than 30 days after the modification is approved.
3. During the active life of the PCB storage operations, BRI must annually adjust the closure cost estimate for inflation and for changes beyond control of BRI which may affect disposal costs.
4. BRI must submit proof of financial assurance for closure to EPA annually. If EPA determines that the amount of financial assurance is inadequate to ensure that the storage of PCB bulk product waste does not present an unreasonable risk of injury to health or the environment from PCBs, BRI must obtain additional financial assurance funding. Failure to do so will result in termination of BRI's authority to commercially store PCBs and may subject BRI to civil or criminal penalties under TSCA.

III. PCB STORAGE MANAGEMENT

A. Storage Area

All PCB bulk product waste must be stored in the approved storage areas, as identified below in Condition III.C and on the Facility Layout Drawing dated July 31, 2013 in Section 2 of the approved application.

B. Design Requirements of Storage Area

The PCB storage areas must be maintained in accordance with this Approval and the final approved application.

C. Maximum PCB Storage

1. PCB Storage Areas:

At any given time, BRI shall store no more than a combined total of 140 cubic yards of non-liquid PCBs in the roll off containers identified in the table below. Non-

liquid PCBs are wire rope covered in PCB paint from dismantling of anchor assemblies, rags and PPE. The maximum inventory of the PCB items approved for storage in each of the storage areas is included in the table below. BRI must maintain updated PCB inventories to ensure that the maximum PCB storage inventories, above, are not exceeded.

PCB Storage Area	Type of Waste	Maximum PCB Containers/Articles	Maximum Volume/Area
Roll Off Container Area			
East end of Industrial Building on raised concrete floor	Non-Liquid PCBs as defined above in III.C.1	2 X 70-cubic yard roll offs	140 cubic yards
Anchor Assembly Receipt Storage Area			
East end of Industrial Building on raised concrete floor; south of Roll Off Container Area	Non-Liquid PCBs as defined above in III.C.1	100 anchor assemblies	2500 ft ²

2. Receiving Dock Area: BRI shall store PCB bulk product waste (anchor assemblies) in transportation vehicles within the receiving dock area for no more than ten days from the date of its receipt at BRI.
3. A notation must be attached to each PCB item indicating the date the item was received at BRI. The date of receipt is considered the date the waste entered the BRI facility.

D. Container

PCB containers used by BRI for storage of liquid and non-liquid PCBs resulting from decontamination efforts must be no greater than 55-gallon containers, except that BRI may use 85 or 110-gallon over-pack containers to store leaking containers and articles. The PCB containers must be in compliance with the requirements of 40 C.F.R. § 761.65(c)(6) or the Department of Transportation Hazardous Materials Regulations at 49 C.F.R. Parts 171-180. The storage of PCB containers must meet the requirements at 40 C.F.R. § 761.65(c)(1).

The containers must be marked in the PCB storage areas and shipping/receiving areas so that the required information on the marks, including dates of receipt and dates removed from service for disposal, are clearly and entirely visible at all times.

E. Aisle Space Requirement

Aisle space within the PCB storage areas and shipping/receiving areas must be maintained at all times to allow the unobstructed movement of equipment that handles PCB containers, personnel, fire protection equipment, spill control equipment and decontamination equipment.

F. Pallet Use and Drum Layer Limit

Pallets may be used to store PCB containers in the PCB storage areas. BRI may stack pallets of drums (55-gallon capacities) containing liquid or non-liquid PCBs. If drums containing PCBs are stacked, BRI shall not stack pallets of drums over two layers. In addition, a pallet shall be used beneath each layer of drums, a maximum of four drums will be stored on a pallet, the bottom pallet shall always contain four drums before the second level of drums and pallet are added, and the drums of each layer must be secured by banding (strapping or shrink-wrapping) them together. If any PCB containers are placed on a pallet, they shall be within the pallet edges.

G. Management of PCB Containers

PCB containers at BRI must always be closed during storage, except when adding and removing their contents, and they must not be opened, handled or stored in a manner which may damage them or cause them to leak or disperse.

If any PCB container is defective, BRI must immediately transfer the PCB waste in the container to a container that is properly marked and structurally sound.

H. Inspection Requirement

All PCB containers and PCB bulk product waste in the PCB storage areas, anchor assembly receipt area, and transfer/transit areas must be inspected for releases at least once each working day. Any PCB item that has released its contents either from physical means or leaking must be transferred immediately to properly marked non-leaking, contained containers. Leaked or spilled materials must be instantly and properly cleaned up in accordance with Condition II, F. 3 of this Approval and the PCB contaminated materials must be adequately disposed of in accordance with 40 C.F.R. § 761.60 and/or 761.61, as applicable.

The integrity of the lined roll-offs constituting the PCB storage areas must be inspected once each working day.

The inspections conducted each working day shall be recorded.

I. Routine Sampling Requirement

The timeframe for site operations as specified in the Closure Plan of the approved application is 120 days. If operations exceed 120 days, routine sampling following the procedures set out in Section 4.2 of the approved application will be conducted at the entrance of the work area that is partitioned off by plastic sheeting. The timeframe for routine sampling will be once every three months.

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