

**APPENDIX A**

**TSCA APPROVAL RENEWAL APPLICATION REVIEW CHECKLIST**

**Review Checklist  
TSCA Approval Renewal Application  
Toxic Substances Control Act Requirements  
PCB Storage for Disposal (40 CFR 761.65)**

<b>Subject</b>	<b>Federal Toxic Substances Control Act (TSCA) Regulation</b>	<b>Complete</b>	<b>Technical Adequacy</b>	<b>Notes</b>
Applicability	This section applies 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.			Section 1.1 Introduction  App D Facility Operating Plan
Storage period	761.65(a)  (1) <i>Storage limitations.</i> Any PCB waste shall be disposed of as required by subpart D of this part 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/radioactive waste removed from service for disposal is exempt from the 1-year time limit provided that the provisions at paragraphs (a)(2)(ii) and (a)(2)(iii) of this section are followed and the waste is managed in accordance with all other applicable Federal, State, and local laws and regulations for the management of radioactive material.			App D Facility Operating Plan
Storage period	761.65(a)  (2) <i>One-year extension.</i> Any person storing PCB waste that is subject to the 1-year time limit for storage and disposal in paragraph (a)(1) of this section may provide written notification to the EPA Regional Administrator for the Region in which the PCB waste is stored that their continuing attempts to dispose of or secure disposal for their waste within the 1-year time limit have been unsuccessful. Upon receipt of the notice by the EPA Regional Administrator, the time for disposal is automatically extended for 1 additional year (2 years total) if the following conditions are met:			App D Facility Operating Plan

Subject	Federal Toxic Substances Control Act (TSCA) Regulation	Complete	Technical Adequacy	Notes
Storage period extension	<p>761.65(a)(2)</p> <p>(i) The notification is received by the EPA Regional Administrator at least 30 days before the initial 1-year time limit expires and the notice identifies the storer, the types, volumes, and locations of the waste and the reasons for failure to meet the initial 1-year time limit.</p> <p>(ii) A written record documenting all continuing attempts to secure disposal is maintained until the waste is disposed of.</p> <p>(iii) The written record required by paragraph (a)(2)(ii) of this section is available for inspection or submission if requested by EPA.</p> <p>(iv) Continuing attempts to secure disposal were initiated within 270 days after the time the waste was first subject to the 1-year time limit requirement, as specified in paragraph (a)(1) of this section. Failure to initiate and continue attempts to secure disposal throughout the total time the waste is in storage shall automatically disqualify the notifier from receiving an automatic extension under this section.</p>			App D Facility Operating Plan
Storage period extension	<p>761.65(a)</p> <p>(3) <i>Additional extensions.</i> Upon written request, the EPA Regional Administrator for the Region in which the wastes are stored or the Director, National Program Chemicals Division, may grant additional extensions beyond the 1-year extension authorized in paragraph (a)(2) of this section. At the time of the request, the requestor must supply specific justification for the additional extension and indicate what measures the requestor is taking to secure disposal of the waste or indicate why disposal could not be conducted during the period of the prior extension. The EPA Regional Administrator or the Director, National Program Chemicals Division may require, as a condition to granting any extension under this section, specific actions including, but not limited to, marking, inspection, recordkeeping, or financial assurance to ensure that the waste does not pose an unreasonable risk of injury to health or the environment.</p>			App D Facility Operating Plan

Subject	Federal Toxic Substances Control Act (TSCA) Regulation	Complete	Technical Adequacy	Notes
Storage at an approved facility	<p>761.65(a)</p> <p>(4) <i>Storage at an approved facility.</i> Increased time for storage may be granted as a condition of any TSCA PCB storage or disposal approval, by the EPA Regional Administrator for the Region in which the PCBs or PCB Items are to be stored or disposed of, or by the appropriate official at EPA Headquarters, if EPA determines that there is a demonstrated need or justification for additional time, that the owner or operator of the facility is pursuing relevant treatment or disposal options, and that no unreasonable risk of injury to health or the environment will result from the increased storage time. In making this determination, EPA will consider such factors as absence of any approved treatment technology and insufficient time to complete the treatment or destruction process. EPA may require as a condition of the approval that the owner or operator submit periodic progress reports.</p>			App D Facility Operating Plan
Storage unit structure	<p>761.65(b)</p> <p>Except as provided in paragraphs (b)(2), (c)(1), (c)(7), (c)(9), and (c)(10) of this section, after July 1, 1978, owners or operators of any facilities used for the storage of PCBs and PCB Items designated for disposal shall comply with the following storage unit requirements:</p> <p>(1) The facilities shall meet the following criteria:</p> <p>(i) Adequate roof and walls to prevent rain water from reaching the stored PCBs and PCB Items;</p> <p>(ii) An adequate floor that has continuous curbing with a minimum 6 inch high curb. The floor and curbing must provide a containment volume equal to at least two times the internal volume of the largest PCB Article or PCB Container or 25 percent of the total internal volume of all PCB Articles or PCB Containers stored there, whichever is greater. PCB/radioactive wastes are not required to be stored in an area with a minimum 6 inch high curbing. However, the floor and curbing must still provide a containment volume equal to at least two times the internal volume of the largest PCB Container or 25 percent of the total internal volume of all PCB Containers stored there, whichever is greater.</p>			<p>Section 3.5 Facility Design Standards</p> <p>Appendix C Containment Calculations</p>

Subject	Federal Toxic Substances Control Act (TSCA) Regulation	Complete	Technical Adequacy	Notes
Storage unit structure	<p>761.65(b)(1)</p> <p>(iii) No drain valves, floor drains, expansion joints, sewer lines, or other openings that would permit liquids to flow from the curbed area;</p> <p>(iv) Floors and curbing constructed of Portland cement, concrete, or a continuous, smooth, non-porous surface as defined at §761.3, which prevents or minimizes penetration of PCBs.</p> <p>(v) Not located at a site that is below the 100-year flood water elevation.</p>			<p>Section 3.5.2 Flooring and Floor Drains</p> <p>Section 3.5.3 Floodplains</p>
Storage without TSCA permit or design	<p>761.65(b)</p> <p>(2) No person may store PCBs and PCB Items designated for disposal in a storage unit other than one approved pursuant to paragraph (d) of this section or meeting the design requirements of paragraph (b) of this section, unless the unit meets one of the following conditions:</p> <p>(i) Is permitted by EPA under section 3004 of RCRA to manage hazardous waste in containers, and spills of PCBs are cleaned up in accordance with subpart G of this part.</p> <p>(ii) Qualifies for interim status under section 3005 of RCRA to manage hazardous waste in containers, meets the requirements for containment at §264.175 of this chapter, and spills of PCBs are cleaned up in accordance with subpart G of this part.</p> <p>(iii) Is permitted by a State authorized under section 3006 of RCRA to manage hazardous waste in containers, and spills of PCBs are cleaned up in accordance with subpart G of this part.</p> <p>(iv) Is approved or otherwise regulated pursuant to a State PCB waste management program no less stringent in protection of health or the environment than the applicable TSCA requirements found in this part.</p>			<p>NA; current approval has been administratively continued and the renewal approval is being sought</p>

Subject	Federal Toxic Substances Control Act (TSCA) Regulation	Complete	Technical Adequacy	Notes
Storage without TSCA permit or design	<p>761.65(b)(2)</p> <p>(v) Is subject to a TSCA Coordinated Approval, which includes provisions for storage of PCBs, issued pursuant to §761.77.</p> <p>(vi) Has a TSCA PCB waste management approval, which includes provisions for storage, issued pursuant to §761.61(c) or §761.62(c).</p>			NA; current approval has been administratively continued and the renewal approval is being sought
Temporary storage	<p>761.65(c)</p> <p>(1) The following PCB Items may be stored temporarily in an area that does not comply with the requirements of paragraph (b) of this section for up to thirty days from the date of their removal from service, provided that a notation is attached to the PCB Item or a PCB Container (containing the item) indicating the date the item was removed from service:</p> <p>(i) Non-leaking PCB Articles and PCB Equipment;</p> <p>(ii) Leaking PCB Articles and PCB Equipment if the PCB Items are placed in a non-leaking PCB Container that contains sufficient sorbent materials to absorb any liquid PCBs remaining in the PCB Items;</p> <p>(iii) PCB Containers containing non-liquid PCBs such as contaminated soil, rags, and debris; and</p> <p>(iv) PCB containers containing liquid PCBs at concentrations of 50 ppm, provided a Spill Prevention, Control and Countermeasure Plan has been prepared for the temporary storage area in accordance with part 112 of this chapter and the liquid PCB waste is in packaging authorized in the DOT Hazardous Materials Regulations at 49 CFR parts 171 through 180 or stationary bulk storage tanks (including rolling stock such as, but not limited to, tanker trucks, as specified by DOT).</p>			<p>Section 3.5 Facility Design Standards</p> <p>App D Facility Operating Plan</p> <p>Table 3-2 Summary of PCB Activities</p>

Subject	Federal Toxic Substances Control Act (TSCA) Regulation	Complete	Technical Adequacy	Notes
Storage adjacent to storage unit	<p>761.65(c)</p> <p>(2) Non-leaking and structurally undamaged PCB Large High Voltage Capacitors and PCB-Contaminated Electrical Equipment that have not been drained of free flowing dielectric fluid may be stored on pallets next to a storage facility that meets the requirements of paragraph (b) of this section. PCB-Contaminated Electrical Equipment that has been drained of free flowing dielectric fluid is not subject to the storage provisions of §761.65. Storage under this subparagraph will be permitted only when the storage facility has immediately available unfilled storage space equal to 10 percent of the volume of capacitors and equipment stored outside the facility. The capacitors and equipment temporarily stored outside the facility shall be checked for leaks weekly.</p>			App D Facility Operating Plan
Storage unit marking	<p>761.65(c)</p> <p>(3) Any 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).</p>			App D Facility Operating Plan
Storage unit equipment decontamination	<p>761.65(c)</p> <p>(4) No 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.</p>			App D Facility Operating Plan - see Management of Movable Equipment and Decontamination
Storage unit monthly leak checks	<p>761.65(c)</p> <p>(5) All PCB Items in storage shall be checked for leaks at least once every 30 days. Any leaking PCB Items and their contents shall be transferred immediately to properly marked non-leaking containers. Any spilled or leaked materials shall be immediately cleaned up and the materials and residues containing PCBs shall be disposed of in accordance with §761.61. Records of inspections, maintenance, cleanup and disposal must be maintained in accordance with §761.180(a) and (b).</p>			App D Facility Operating Plan - see Documented Inspections

<b>Subject</b>	<b>Federal Toxic Substances Control Act (TSCA) Regulation</b>	<b>Complete</b>	<b>Technical Adequacy</b>	<b>Notes</b>
Storage and transport containers	<p>761.65(c)</p> <p>(6) Except as provided in paragraphs (c)(6)(i) and (c)(6)(ii) of this section, any container used for the storage of liquid or non-liquid PCB waste shall be in accordance with the requirements set forth in the DOT Hazardous Materials Regulations (HMR) at 49 CFR parts 171 through 180. PCB waste not subject to the HMR (i.e., PCB wastes at concentrations of &lt;20 ppm or &lt;1 pound of PCBs regardless of concentration) must be packaged in accordance with Packaging Group III, unless other hazards associated with the PCB waste cause it to require packaging in accordance with Packaging Groups I or II. For purposes of describing PCB waste not subject to DOT's HMR on a manifest, one may use the term "Non-DOT Regulated PCBs."</p> <p>(i) Containers other than those meeting HMR performance standards may be used for storage of PCB/radioactive waste provided the following requirements are met</p> <p>(A) Containers used for storage of liquid PCB/radioactive wastes must be non-leaking.</p> <p>(B) Containers used for storage of non-liquid PCB/radioactive wastes must be designed to prevent the buildup of liquids if such containers are stored in an area meeting the containment requirements of paragraph (b)(1)(ii) of this section, as well as all other applicable State or Federal regulations or requirements for control of radioactive materials.</p> <p>(C) Containers used to store both liquid and non-liquid PCB/radioactive wastes must meet all regulations and requirements pertaining to nuclear criticality safety. Acceptable container materials currently include polyethylene and stainless steel provided that the container material is chemically compatible with the wastes being stored. Other containers may be used to store both liquid and non-liquid PCB/radioactive wastes if the users are able to demonstrate, to the appropriate Regional Administrator and other appropriate regulatory authorities (i.e., Nuclear Regulatory Commission, Department of Energy or the Department of Transportation), that the use of such containers is protective of health and the environment as well as public health and safety.</p>			App D Facility Operating Plan – see Storage Procedures and Management of PCB Containers

Subject	Federal Toxic Substances Control Act (TSCA) Regulation	Complete	Technical Adequacy	Notes
Storage and transport containers	<p>761.65(c)(6)</p> <p>(ii) The following DOT specification containers that conform to the requirements of 49 CFR, chapter I, subchapter C in effect on September 30, 1991, may be used for storage and transportation activities that are not subject to DOT regulation, and may be used on a transitional basis as permitted at 49 CFR 171.14. For liquid PCBs: Specification 5 container without removable head, Specification 5B container without removable head, Specification 6D over pack with Specification 2S or 2SL polyethylene containers, or Specification 17E container. For non-liquid PCBs: Specification 5 container, Specification 5B container, or Specification 17C container.</p>			<p>App D Facility Operating Plan</p> <p>See Storage Procedures and Management of PCB Containers</p>
Storage unit stationary container design	<p>761.65(c)</p> <p>(7) Stationary storage containers for liquid PCBs can be larger than the containers specified in paragraph (c)(6) of this section provided that:</p> <p>(i) The containers are designed, constructed, and operated in compliance with Occupational Safety and Health Standards, 29 CFR 1910.106, Flammable and combustible liquids. Before using these containers for storing PCBs, the design of the containers must be reviewed to determine the effect on the structural safety of the containers that will result from placing liquids with the specific gravity of PCBs into the containers (see 29 CFR 1910.106(b)(1)(i)(f)).</p>			<p>App D Facility Operating Plan</p> <p>See Storage Procedures and Management of PCB Containers</p>
Storage unit stationary container spill prevention and response	<p>761.65(c)(7)</p> <p>(ii) The owners or operators of any facility using containers described in paragraph (c)(7)(i) of this section, shall prepare and implement a Spill Prevention Control and Countermeasure (SPCC) Plan as described in part 112 of this title. In complying with 40 CFR part 112, the owner or operator shall read “oil(s)” as “PCB(s)” whenever it appears. The exemptions for storage capacity, 40 CFR 112.1(d)(2), and the amendment of SPCC plans by the Regional Administrator, 40 CFR 112.4, shall not apply unless some fraction of the liquids stored in the container are oils as defined by section 311 of the Clean Water Act.</p>			<p>Veolia is otherwise subject to SPCC planning requirements; see Appendix D of application</p>

Subject	Federal Toxic Substances Control Act (TSCA) Regulation	Complete	Technical Adequacy	Notes
Storage items managed by date	<p>761.65(c)</p> <p>(8) PCB Items shall 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. Storage containers provided in paragraph (c)(7) of this section, shall have a record that includes for each batch of PCBs the quantity of the batch and date the batch was added to the container. The record shall also include the date, quantity, and disposition of any batch of PCBs removed from the container.</p>			<p>App D Facility Operating Plan</p> <p>See 3.6.1 Storage Period and Records and Reporting Program</p>
Temporary storage	<p>761.65(c)</p> <p>(9) Bulk PCB remediation waste or PCB bulk product waste may be stored at the clean-up site or site of generation for 180 days subject to the following conditions:</p> <p>(i) The waste is placed in a pile designed and operated to control dispersal of the waste by wind, where necessary, by means other than wetting.</p> <p>(ii) The waste must not generate leachate through decomposition or other reactions.</p> <p>(iii) The storage site must have:</p> <p>(A) A liner that is designed, constructed, and installed to prevent any migration of wastes off or through the liner into the adjacent subsurface soil, ground water or surface water at any time during the active life (including the closure period) of the storage site. The liner may be constructed of materials that may allow waste to migrate into the liner. The liner must be:</p> <p>(1) Constructed of materials that have appropriate chemical properties and sufficient strength and thickness to prevent failure due to pressure gradients (including static head and external hydrogeologic forces), physical contact with the waste or leachate to which they are exposed, climatic conditions, the stress of installation, and the stress of daily operation.</p> <p>(2) Placed upon a foundation or base capable of providing support to the liner and resistance to pressure gradients above and below the liner to prevent failure of the liner due to settlement, compression, or uplift.</p> <p>(3) Installed to cover all surrounding earth likely to be in contact with the waste.</p>			<p>App D Facility Operating Plan</p> <p>See 3.6.3 Storage Procedures and Management of PCB Containers</p>

Subject	Federal Toxic Substances Control Act (TSCA) Regulation	Complete	Technical Adequacy	Notes
Temporary storage	<p>761.65(c)(9)(iii)</p> <p>(B) A cover that meets the requirements of paragraph (c)(9)(iii)(A) of this section, is installed to cover all of the stored waste likely to be contacted with precipitation, and is secured so as not to be functionally disabled by winds expected under normal seasonal meteorological conditions at the storage site.</p> <p>(C) A run-on control system designed, constructed, operated, and maintained such that:</p> <p>(1) It prevents flow onto the stored waste during peak discharge from at least a 25-year storm.</p> <p>(2) It collects and controls at least the water volume resulting from a 24-hour, 25-year storm. Collection and holding facilities (e.g., tanks or basins) must be emptied or otherwise managed expeditiously after storms to maintain design capacity of the system.</p> <p>(iv) The provisions of this paragraph may be modified under Sec. 761.61(c).</p>			<p>App D Facility Operating Plan</p> <p>See Storage Procedures and Management of PCB containers</p>
Records	<p>761.65(c)</p> <p>(10) Owners or operators of storage facilities shall establish and maintain records as provided in §761.180.</p>			<p>App D Facility Operating Plan</p>
Approval of commercial storers of PCB waste	<p>761.65(d)</p> <p>(1) All commercial storers of PCB waste shall have interim approval to operate commercial facilities for the storage of PCB waste until August 2, 1990. Commercial storers of PCB waste are prohibited from storing any PCB waste at their facilities after August 2, 1990 unless they have submitted by August 2, 1990 a complete application for a final storage approval under paragraph (d)(2) of this section. The period of interim approval shall continue until EPA makes a final decision on the storage application at which time such interim approval shall terminate.</p>			<p>NA; Veolia is not under an interim approval. The facility operates currently under an administratively continued permit and the renewal application is pending</p>

Subject	Federal Toxic Substances Control Act (TSCA) Regulation	Complete	Technical Adequacy	Notes
Agency determination required to issue final approval	<p>761.65(d)</p> <p>(2) The Regional Administrator for the region in which the storage facility is located (or the Director, National Programs Chemical Division, if the commercial storage area is ancillary to a facility approved for disposal by the Director, National Programs Chemical Division) shall grant written, final approval to engage in the commercial storage of PCB waste upon a determination by the Regional Administrator or the Director, National Programs Chemical Division, that the criteria in paragraph (d)(2)(i) through (d)(2)(vii) of this section have been met by the applicant:</p>			<p>NA; Veolia is not under an interim approval. The facility operates currently under an administratively continued permit and the renewal application is pending</p> <p>Section 1.1 Introduction and State Purpose</p>
Personnel qualifications	<p>761.65(d)(2)</p> <p>(i) The applicant, its principals, and its key employees responsible for the establishment or operation of the commercial storage facility are qualified to engage in the business of commercial storage of PCB waste.</p>			<p>Section 2.0 Qualifications</p>
Facility capacity	<p>761.65(d)(2)</p> <p>(ii) The facility possesses the capacity to handle the quantity of PCB waste which the owner or operator of the facility has estimated will be the maximum quantity of PCB waste that will be handled at any one time at the facility.</p>			<p>Section 3.5 Facility Design Standards</p> <p>Section 2.0 Qualifications</p> <p>Table 1-1 Permitted Capacity</p> <p>Appendix C Containment Calculations</p>
Certification of storage facility standards	<p>761.65(d)(2)</p> <p>(iii) The owner or operator of the unit has certified compliance with the storage facility standards in paragraphs (b) and (c)(7) of this section.</p>			<p>Section 1.2 Certification Statements</p>
Storage closure plan	<p>761.65(d)(2)</p> <p>(iv) 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.</p>			<p>App E Closure Plan</p>

Subject	Federal Toxic Substances Control Act (TSCA) Regulation	Complete	Technical Adequacy	Notes
Storage financial assurance	<p>761.65(d)(2)</p> <p>(v) 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.</p>			App E Closure Plan - Attachment Financial Assurance
No unreasonable risk	<p>761.65(d)(2)</p> <p>(vi) The operation of the storage facility will not pose an unreasonable risk of injury to health or the environment.</p>			Section 2.4 Adequacy of Facility Operations
Compliance history	<p>761.65(d)(2)</p> <p>(vii) The environmental compliance history of the applicant, its principals, and its key employees may be deemed to constitute a sufficient basis for denial of approval whenever in the judgment of the Regional Administrator (or Director, National Programs Chemical Division) that history of environmental civil violations or criminal convictions evidences a pattern or practice of noncompliance that demonstrates the applicant's unwillingness or inability to achieve and maintain compliance with the regulations.</p>			Section 2.3 Violations
Application Personnel qualifications	<p>761.65(d)</p> <p>(3) Applicants for storage approvals shall submit a written application that includes any relevant information bearing upon the qualifications of the facility's principals and key employees to engage in the business of commercial storage of PCB wastes. This information shall include, but is not limited to:</p> <p>(i) The identification of the owner and the operator of the facility, including all general partners of a partnership, any limited partner of a partnership, any stockholder of a corporation or any participant in any other type of business organization or entity who owns or controls, directly or indirectly, more than 5 percent of each partnership, corporation, or other business organization and all officials of the facility who have direct management responsibility for the facility.</p>			Section 2.1 Personnel Resources Appendix B Resumes

Subject	Federal Toxic Substances Control Act (TSCA) Regulation	Complete	Technical Adequacy	Notes
Application Personnel qualifications	761.65(d)(3) (ii) The identification of the person responsible for the overall operations of the facility (i.e., a plant manager, superintendent, or a person of similar responsibility) and the supervisory employees who are or will be responsible for the operation of the facility.			Section 2.1.2 Responsible Person Appendix B Resumes
Application Personnel qualifications	761.65(d)(3) (iii) Information concerning the technical qualifications and experience of the persons responsible for the overall operation of the facility and the employees responsible for handling PCB waste or other wastes.			Appendix B Resumes
Application Personnel qualifications	761.65(d)(3) (iv) Information concerning any past State or Federal environmental violations involving the same business or another business with which the principals or supervisory employees were affiliated directly that occurred within 5 years preceding the date of submission and which relate directly to violations that resulted in either a civil penalty (irrespective of whether the matter was disposed of by an adjudication or by a without prejudice settlement) or judgment of conviction whether entered after trial or a plea, either of guilt or nolo contendere or civil injunctive relief and involved storage, disposal, transport, or other waste handling activities.			Section 2.2 Company Chronology Section 2.3 Violations
Application Personnel qualifications	761.65(d)(3) (v) A list of all companies currently owned or operated in the past by the principals or key employees identified in paragraphs (d)(3)(i) and (d)(3)(ii) of this section that are or were directly or indirectly involved with waste handling activities.			Section 2.2 Company Chronology
Application Facility capacity	761.65(d)(3) (vi) The owner's or operator's estimate of maximum PCB waste quantity to be handled at the facility.			Table 1-1 Summary of Regulated PCB Units Section 3.5.5 Design Capacity

Subject	Federal Toxic Substances Control Act (TSCA) Regulation	Complete	Technical Adequacy	Notes
Application Certification of storage facility standards	761.65(d)(3) (vii) A written statement certifying compliance with paragraph (b) or (c) of this section and containing a certification as defined in §761.3.			Section 1.2 Certification Statements
Application Storage closure plan	761.65(d)(3) (viii) A written closure plan for the facility, as described in paragraph (e) of this section.			App E Closure Plan
Application Storage closure cost estimate	761.65(d)(3) (ix) The current closure cost estimate for the facility, as described in paragraph (f) of this section.			App E Closure Plan - Attachment Closure Cost Estimate
Application Storage financial assurance	761.65(d)(3) (x) A demonstration of financial responsibility to close the facility, as described in paragraph (g) of this section.			App E Closure Plan - Attachment Closure Cost Estimate
Agency approval Satisfaction of requirements	761.65(d)(4) The written approval issued by EPA shall include, but not be limited to, the following: (i) The determination that the applicant has satisfied the requirements set forth in paragraph (d)(2) of this section, and a brief statement setting forth the basis for the determination.			EPA-required Action
Agency approval Storage closure plan	761.65(d)(4) (ii) Incorporation of the closure plan submitted by the facility owner or operator and approved by EPA.			EPA-required Action
Agency approval Maximum storage capacity	761.65(d)(4) (iii) A condition imposing a maximum PCB storage capacity which the facility shall not exceed during its PCB waste storage operations. The maximum storage capacity imposed under this condition shall not be greater than the estimated maximum inventory of PCB waste included in the owner's or operator's application for final approval.			EPA-required Action (See Section 1.3 Summary Table of Regulated PCB Units and App E PCB Inventory)

Subject	Federal Toxic Substances Control Act (TSCA) Regulation	Complete	Technical Adequacy	Notes
Agency approval Other conditions	761.65(d)(4) (iv) Such other conditions as deemed necessary by EPA to ensure that the operations of the PCB storage facility will not pose an unreasonable risk of injury to health or the environment.			EPA-required Action
Storage area exemption for transfer facilities	761.65(d)(5) Storage areas at transfer facilities are exempt from the requirement to obtain approval as a commercial storer of PCB waste under this paragraph, unless the same PCB waste is stored at these facilities for a period of time greater than 10 consecutive days between destinations.			App D – Facility Operating Plan, Storage Procedures
Possible exemption for storage areas at RCRA permitted facilities	761.65(d)(6) Storage areas at RCRA-permitted facilities may be exempt from the separate TSCA storage approval requirements in this paragraph (d) upon a showing to the Regional Administrator's satisfaction that the facility's existing RCRA closure plan is substantially equivalent to this rule's closure plan standards, and that such facility's closure cost estimate and financial assurance demonstration account for maximum PCB waste inventories, and the requirements of paragraph (d)(3)(i) through (d)(3)(v) and (d)(3)(vii) of this section are met. A pay-in period of longer than 3 years after approval of the storage facility pursuant to this rule, will be acceptable to EPA if that pay-in period has already been established for a valid RCRA facility or previously approved TSCA facility.			NA; Veolia has developed separate Closure Plans for its RCRA and TSCA operations
Possible exemption for storage areas ancillary to approved disposal facilities	761.65(d)(7) Storage areas ancillary to TSCA-approved disposal facilities may be exempt from a separate facility approval provided all of the following conditions are met: (i) The current disposal approval contains an expiration date. (ii) The current disposal approval's closure and financial responsibility conditions specifically extend to storage areas ancillary to disposal.			No action required; Veolia is compliant with §761.65(d)(7)

Subject	Federal Toxic Substances Control Act (TSCA) Regulation	Complete	Technical Adequacy	Notes
Possible exemption for storage areas ancillary to approved disposal facilities	761.65(d)(7) (iii) The current disposal approval's closure and financial responsibility conditions provide for annual adjustments for inflation, and for modification when changes in operation would affect closure costs.			No action required; Veolia is compliant with §761.65(d)(7)
Possible exemption for storage areas ancillary to approved disposal facilities	761.65(d)(7) (iv) The current disposal approval contains conditions on closure and financial responsibility that are at least as stringent as those in paragraphs (e) and (g) of this section. However, the provision for a 3-year closure trust pay-in period, as specified in paragraph (g)(1)(i) of this section, would be waived in a case in which an approved TSCA facility or RCRA facility that covers PCB storage has a longer pay-in period for the trust.			No action required; Veolia is compliant with §761.65(d)(7)
Possible exemption for storage areas ancillary to approved disposal facilities	761.65(d)(7) (v) The current disposal approval satisfies the requirements of paragraph (d)(3)(i) through (d)(3)(v) of this section.			No action required; Veolia is compliant with §761.65(d)(7)
Modification of deficient approvals for storage	761.65(d)(8) (8) The approval of any existing TSCA-approved disposal facility ancillary to a commercial storage facility that is deficient in any of the conditions of paragraph (d)(7)(i) through (d)(7)(v) of this section shall be called in by the Regional Administrator (or the appropriate official at EPA Headquarters, if approval was granted by an official at EPA Headquarters). The approval shall be modified to meet the requirements of paragraph (d)(7) of this section within 180 days of the effective date of this final rule, or a separate application for approval of the storage facility may be submitted to the Regional Administrator or the Director, Office of Solid Waste, in the cases where an official at EPA Headquarters issued the approval.			No action required

Subject	Federal Toxic Substances Control Act (TSCA) Regulation	Complete	Technical Adequacy	Notes
Closure	<p>761.65(e)</p> <p>(1) A commercial storer of PCB waste shall have a written closure plan that identifies the steps that the owner or operator of the facility shall take to close the PCB waste storage facility in a manner that eliminates the potential for post-closure releases of PCBs which may present an unreasonable risk to human health or the environment. An acceptable closure plan must include, at a minimum, all of the following:</p> <p>(i) A description of how the PCB storage areas of the facility will be closed in a manner that eliminates the potential for post-closure releases of PCBs into the environment.</p>			App E Closure Plan
Closure Storage operations	<p>761.65(e)(1)</p> <p>(ii) An 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.</p>			App E Closure Plan – see Facility Description and PCB Inventory
Closure Maximum inventory	<p>761.65(e)(1)</p> <p>(iii) An estimate of the maximum inventory of PCB wastes that could be handled at one time at the facility over its active life, and a detailed description of the methods or arrangements to be used during closure for removing, transporting, storing, or disposing of the facility's inventory of PCB waste, including an identification of any off-site facilities that will be used.</p>			App E Closure Plan – see Facility Description and PCB Inventory
Closure Decontamination of storage facility	<p>761.65(e)(1)</p> <p>(iv) A detailed description of the steps needed to remove or decontaminate PCB waste residues and contaminated containment system components, equipment, structures, and soils during closure in accordance with the levels specified in the PCB Spills Cleanup Policy in subpart G of this part, including a description of the methods for sampling and testing of surrounding soils, and the criteria for determining the extent of removal or decontamination.</p>			App E Closure Plan

Subject	Federal Toxic Substances Control Act (TSCA) Regulation	Complete	Technical Adequacy	Notes
Closure Other activities	761.65(e)(1) (v) A detailed description of other activities necessary during the closure period to ensure that any post-closure releases of PCBs will not present unreasonable risks to human health or the environment. This includes activities such as ground-water monitoring, run-on and run-off control, and facility security.			App E Closure Plan
Closure Schedule	761.65(e)(1) (vi) A schedule for closure of each area of the facility where PCB waste is stored or handled, including the total time required to close each area of PCB waste storage or handling, and the time required for any intervening closure activities.			App E Closure Plan - see Closure Schedule
Closure Expected year of closure	761.65(e)(1) (vii) An estimate of the expected year of closure of the PCB waste storage areas, if a trust fund is opted for as the financial mechanism.			App E Closure Plan - see Closure Schedule and Change in Closure Date
Closure plan condition of approval	761.65(e)(2) A written closure plan determined to be acceptable by EPA under this section shall become a condition of any approval granted under paragraph (d) of this section.			EPA-required Action
Closure Equivalent closure plans	761.65(e)(3) (3) A separate and new closure plan need not be submitted in cases where a facility is currently covered by a TSCA approval or a RCRA permit, upon a showing to the satisfaction of the Regional Administrator (or the appropriate official at EPA Headquarters, if the commercial storage area is ancillary to a disposal facility for which an official at EPA Headquarters has approval authority) that the existing closure plan is substantially equivalent to closure plans required under paragraphs (d) through (g) of this section, and that the plan adequately accounts for PCB waste inventories.			App E Closure Plan

Subject	Federal Toxic Substances Control Act (TSCA) Regulation	Complete	Technical Adequacy	Notes
Closure plan modifications	<p>761.65(e)(4)</p> <p>The commercial storer of PCB waste shall submit a written request to the Regional Administrator (or the Director, Office of Solid Waste, if an official at EPA Headquarters approved the closure plan) for a modification to its storage approval to amend its closure plan, whenever:</p> <p>(i) Changes in ownership, operating plans, or facility design affect the existing closure plan.</p>			Revised Application with revised Closure Planning has been prepared
Closure plan modifications	<p>761.65(e)(4)</p> <p>(ii) There is a change in the expected date of closure, if applicable.</p> <p>(iii) In conducting closure activities, unexpected events require a modification of the approved closure plan.</p>			NA
Agency modifications of closure plans	<p>761.65(e)(5)</p> <p>(5) The Regional Administrator or the Director, appropriate official at EPA Headquarters, if an official at EPA Headquarters approved the closure plan, may modify the existing closure plan under the conditions described in paragraph (e)(4) of this section.</p>			NA; no action required at this time
Closure schedule	<p>761.65(e)(6)</p> <p>Commercial storers of PCB waste shall comply with the following closure schedule:</p> <p>(i) The commercial storer shall notify in writing the Regional Administrator or the Director, Office of Solid Waste, if an official at EPA Headquarters approved the closure plan, at least 60 days prior to the date on which final closure of its PCB storage facility is expected to begin.</p>			App E Closure Plan – see Closure Schedule
Closure schedule	<p>761.65(e)(6)</p> <p>(ii) The date when a commercial storer of PCB waste “expects to begin closure” shall be no later than 30 days after the date on which the storage facility received its final quantities of PCB waste. For good cause shown, EPA may extend the date for commencement of closure for an additional 30-day period.</p>			App E Closure Plan – see Closure Schedule

Subject	Federal Toxic Substances Control Act (TSCA) Regulation	Complete	Technical Adequacy	Notes
Closure schedule	<p>761.65(e)(6)</p> <p>(iii) Within 90 days after receiving the final quantity of PCB waste for storage, a commercial storer of PCB waste shall remove all PCB waste in storage at the facility from the facility in accordance with the approved closure plan. For good cause shown, EPA may approve a reasonable extension to the period for removal of the PCB waste.</p>			App E Closure Plan – see Closure Schedule
Closure schedule	<p>761.65(e)(6)</p> <p>(iv) A commercial storer of PCB waste shall complete closure activities in accordance with the approved closure plan and within 180 days after receiving the final quantity of PCB waste for storage at the facility. For good cause shown, EPA may approve a reasonable extension to the closure period.</p>			App E Closure Plan – see Closure Schedule
Closure Facility cleanup	<p>761.65(e)(7)</p> <p>During the closure period, all contaminated system component equipment, structures, and soils shall be disposed of in accordance with the disposal requirements of subpart D of this part, or, if applicable, decontaminated in accordance with the levels specified in the PCB Spills Cleanup Policy at subpart G of this part. When PCB waste is removed from the storage facility during closure, the owner or operator becomes a generator of PCB waste subject to the generator requirements of subpart J of this part.</p>			App E Closure Plan – see Closure Schedule
Closure certification	<p>761.65(e)(8)</p> <p>Within 60 days of completion of closure of each facility for the storage of PCB waste, the commercial storer of PCB waste shall submit to the Regional Administrator (or Director, Office of Solid Waste and Disposal, if an official at EPA Headquarters approved the closure plan), by registered mail, a certification that the PCB storage facility has been closed in accordance with the approved closure plan. The certification shall be signed by the owner or operator and by an independent registered professional engineer.</p>			App E Closure Plan – see Closure Schedule

Subject	Federal Toxic Substances Control Act (TSCA) Regulation	Complete	Technical Adequacy	Notes
Closure cost estimate	<p>761.65(f)</p> <p>(1) A commercial storer of PCB wastes shall have a detailed estimate, in current dollars, of the cost of closing the facility in accordance with its approved closure plan. The closure cost estimate shall be in writing, be certified by the person preparing it (using the certification defined in §761.3) and comply with all of the following criteria:</p>			App E Closure Plan – see Closure Cost Estimate
Closure cost estimate	<p>761.65(f)(1)</p> <p>(i) The closure cost estimate shall equal the cost of final closure at the point in the PCB storage facility's active life when the extent and manner of PCB storage operations would make closure the most expensive, as indicated by the facility's closure plan.</p>			App E Closure Plan – see Closure Cost Estimate
Closure cost estimate Third party	<p>761.65(f)(1)</p> <p>(ii) The closure cost estimate shall be based on the costs to the owner or operator 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.</p>			App E Closure Plan – see Closure Cost Estimate
Closure cost estimate Current market costs	<p>761.65(f)(1)</p> <p>(iii) The owner or operator 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.</p>			App E Closure Plan
Closure cost estimate No salvage value	<p>761.65(f)(1)</p> <p>(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.</p>			App E Closure Plan See Salvage Credits

Subject	Federal Toxic Substances Control Act (TSCA) Regulation	Complete	Technical Adequacy	Notes
<p>Closure cost estimate</p> <p>Annual adjustment for inflation</p>	<p>761.65(f)(2)</p> <p>During the active life of the PCB storage facility, the commercial storer of PCB waste shall adjust annually for inflation the closure cost estimate within 60 days prior to the anniversary date of the establishment of the financial instruments used to demonstrate financial responsibility for closure, except that owners or operators who use the financial test or corporate guarantee shall adjust their closure cost estimates for inflation within 30 days after the close of the storer's fiscal year. 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 <i>Survey of Current Business</i>. The Implicit Price Deflator for Gross National Product is included in a monthly publication titled <i>Economic Indicators</i>, which is available from the Superintendent of Documents, Government Printing Office, Washington, DC 20402. The inflation factor used in the latter method is the result of dividing the latest published annual Deflator by the Deflator for the previous year. The adjustment to the closure cost estimate is then made by multiplying the most recent closure cost estimate by the latest inflation factor.</p>			<p>App E Closure Plan</p> <p>See Cost Adjustments</p>
<p>Closure cost estimate</p> <p>Adjustment for modifications</p>	<p>761.65(f)(3)</p> <p>Where EPA approves a modification to the facility's closure plan, and that modification increases the cost of closure, the owner or operator shall revise the closure cost estimate no later than 30 days after the modification is approved. Any such revision shall also be adjusted for inflation in accordance with paragraph (f)(2) of this section.</p>			<p>App E Closure Plan</p> <p>See Cost Adjustments</p>
<p>Closure cost estimate</p> <p>Copy at facility</p>	<p>761.65(f)(4)</p> <p>The 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.</p>			<p>App D Facility Operating Plan - see Records and Reporting Program</p>

Subject	Federal Toxic Substances Control Act (TSCA) Regulation	Complete	Technical Adequacy	Notes
Financial assurance for closure	<p>761.65(g)</p> <p>A commercial storer of PCB waste shall establish financial assurance for closure of each PCB storage facility that he owns or operates. In establishing financial assurance for closure, the commercial storer of PCB waste may choose from the following financial assurance mechanisms or any combination of mechanisms:</p>			See below.
Financial assurance for closure Closure trust fund	<p>761.65(g)(1)</p> <p>The “closure trust fund,” as specified in §264.143(a) of this chapter, except for paragraph (a)(3) of §264.143. For purposes of this paragraph, the following provisions also apply:</p> <p>(i) Payments into the trust fund shall be made annually by the owner or operator over the remaining operating life of the facility as estimated in the closure plan, or over 3 years, whichever period is shorter. This period of time is hereafter referred to as the “pay-in period.” For an existing facility, the first payment must be made within 30 calendar days after EPA has notified the facility of its conditional approval. Interim approval to operate is canceled and the application is denied if EPA does not receive verification that the payment was made in that 30-day period.</p>			NA; Letter of Credit mechanism selected

Subject	Federal Toxic Substances Control Act (TSCA) Regulation	Complete	Technical Adequacy	Notes
Financial assurance for closure Closure trust fund	761.65(g)(1) (ii) For a new facility, the first payment into the closure trust fund shall be made before EPA grants final approval of the application and before the facility may accept the initial shipment of PCB waste for commercial storage. A receipt from the trustee shall be submitted by the owner or operator to the Regional Administrator (or the Director, Office of Solid Waste, if the commercial storage area is ancillary to a disposal facility approved by an official at EPA Headquarters) before this initial delivery of PCB waste. The first payment shall be at least equal to the current closure cost estimate, divided by the number of years in the pay-in period, except as provided in paragraph (g)(7) of this section for multiple mechanisms. Subsequent payments shall be made no later than 30 days after each anniversary date of the first payment. The amount of each subsequent payment shall be determined by subtracting the current value of the trust fund from the current closure cost estimate, and dividing this difference by the number of years remaining in the pay-in period.			NA; Letter of Credit mechanism selected
Financial assurance for closure Closure trust fund	761.65(g)(1) (iii) If an owner or operator of a facility existing on the effective date of this paragraph establishes a trust fund to meet the financial assurance requirements of this paragraph, and the value of the trust fund is less than the current closure cost estimate when a final approval is granted for the facility, the amount of the current closure cost estimate still to be paid into the trust fund shall be paid in over the pay-in period as defined in paragraph (g)(1)(i) of this section. Payments shall continue to be made no later than 30 days after each anniversary date of the first payment made into the trust fund. The amount of each payment shall be determined by subtracting the current value of the trust fund from the current closure cost estimate, and dividing this difference by the number of years remaining in the pay-in period.			NA; Letter of Credit mechanism selected

Subject	Federal Toxic Substances Control Act (TSCA) Regulation	Complete	Technical Adequacy	Notes
Financial assurance for closure Wording for trust agreement	761.65(g)(1) (iv) The submission of a trust agreement with the wording specified in §264.151(a)(1) of this chapter, including any reference to hazardous waste management facilities, shall be deemed to be in compliance with the requirement to submit a trust agreement under this subpart.			NA; Letter of Credit mechanism selected
Financial assurance for closure Surety bonds	761.65(g)(2) The “surety bond guaranteeing payment into a closure trust fund,” as specified in §264.143(b) of this chapter, including the use of the surety bond instrument specified at §264.151(b) of this chapter and the standby trust specified at §264.143(b)(3) of this chapter. The use of the surety bonds, surety bond instruments, and standby trust agreements specified in §§264.143(b) and 264.151(b) of this chapter shall be deemed to be in compliance with this subpart.			NA; Letter of Credit mechanism selected
Financial assurance for closure Surety bonds	761.65(g)(3) (i) The “surety bond guaranteeing performance of closure,” as specified at §264.143(c) of this chapter, except for paragraph (c)(5) of §264.143 of this chapter. The submission and use of the surety bond instrument specified at §264.151(c) of this chapter and the standby trust specified at §264.143(c)(3) of this chapter shall be deemed to be in compliance with the requirements under this subpart relating to the use of surety bonds and standby trust funds.			NA; Letter of Credit mechanism selected
Financial assurance for closure Surety bonds	761.65(g)(3) (ii) For the purposes of this paragraph, and under the terms of the bond, the surety shall become liable on the bond obligation when the owner or operator fails to perform as guaranteed by the bond. Liability is established by a final administrative determination pursuant to section 16 of TSCA that the owner or operator has failed to perform final closure in accordance with the closure plan and other approval or regulatory requirements when required to do so.			NA; Letter of Credit mechanism selected

Subject	Federal Toxic Substances Control Act (TSCA) Regulation	Complete	Technical Adequacy	Notes
Financial assurance for closure Letter of credit	761.65(g)(4) (i) The “closure letter of credit” specified in §264.143(d) of this chapter, except for paragraph (d)(8). The submission and use of the irrevocable letter of credit instrument specified in §264.151(d) of this chapter and the standby trust specified in §264.143(d)(3) of this chapter shall be deemed to be in compliance with the requirements of this subpart relating to the use of letters of credit and standby trust funds.			App E – Closure Plan - see Closure Cost Estimate and Financial Assurance
Financial assurance for closure Letter of credit	761.65(g)(4) (ii) For the purposes of this paragraph, the Regional Administrator (or the Director, National Programs Chemical Division, if the commercial storage area is ancillary to a disposal facility approved by the Director, National Programs Chemical Division) may draw on the letter of credit following a final administrative determination pursuant to section 16 of TSCA that the owner or operator has failed to perform final closure in accordance with the closure plan and other approval or regulatory requirements when required to do so.			App E – Closure Plan - see Closure Cost Estimate and Financial Assurance
Financial assurance for closure Closure insurance	761.65(g)(5) “Closure insurance,” as specified in §264.143(e) of this chapter, utilizing the certificate of insurance for closure specified at §264.151(e) of this chapter. The use of closure insurance as specified in §264.143(e) of this chapter and the submission and use of the certificate of insurance specified in §264.151(e) of this chapter shall be deemed to be in compliance with the requirements of this subpart relating to the use of closure insurance.			NA; Letter of Credit mechanism selected

Subject	Federal Toxic Substances Control Act (TSCA) Regulation	Complete	Technical Adequacy	Notes
Financial assurance for closure Financial test	761.65(g)(6) The “financial test and corporate guarantee for closure,” as described in §264.143(f) of this chapter, including a letter signed by the owner's or operator's chief financial officer as specified at §264.151(f) of this chapter and, if applicable, the written corporate guarantee specified at §264.151(h) of this chapter. The use of the financial test and corporate guarantee specified in §264.143(f) of this chapter, the submission and use of the letter specified in §264.151(f) of this chapter, and the submission and use of the written corporate guarantee specified at §264.151(h) of this chapter shall be deemed to be in compliance with the requirements of this subpart relating to the use of financial tests and corporate guarantees.			NA; Letter of Credit mechanism selected
Financial assurance for closure Corporate guarantee	761.65(g)(7) The corporate guarantee as specified in §264.143(f)(10) of this chapter.			NA; Letter of Credit mechanism selected
Financial assurance for closure Multiple mechanisms	761.65(g)(8) The use of multiple financial mechanisms, as specified in §264.143(g) of this chapter is permitted.			NA; Letter of Credit mechanism selected
Financial assurance for closure Modifications	761.65(g)(9) A modification to a facility storing PCB waste that increases the maximum storage capacity indicated in the permit requires that a new financial assurance mechanism be established or an existing one be amended. When such a modification occurs, the Director of the Federal or State issuing authority must be notified in writing no later than 30 days from the completion of the modification. The new or revised financial assurance mechanism must be established and activated no later than 30 days after the Director of the Federal or State issuing authority is notified of the completion of the modification, but prior to the use of the modified portion of the facility.			No action required at this time

Subject	Federal Toxic Substances Control Act (TSCA) Regulation	Complete	Technical Adequacy	Notes
Release of owner or operator from closure financial assurance	<p>761.65(h)</p> <p>Within 60 days after receiving certifications from the owner or operator and an independent registered professional engineer that final closure has been completed in accordance with the approved closure plan, EPA will notify the owner or operator in writing that the owner or operator is no longer required by this section to maintain financial assurance for final closure of the facility, unless EPA has reason to believe that final closure has not been completed in accordance with the approved closure plan. EPA shall provide the owner or operator with a detailed written statement stating the reasons why EPA shall provide the owner or operator with a detailed written statement stating the reasons why he believed closure was not conducted in accordance with the approved closure plan.</p>			No action required at this time
Exemption for laboratories and samples	<p>761.65(i)(1)</p> <p>A laboratory is conditionally exempt from the notification and approval requirements for a commercial storer under §761.65 (d) through (h) when it stores samples held for disposal in a facility that complies with the standards in §761.65 (b)(1)(i) through (b)(1)(iv).</p>			NA
Exemption for laboratory samples	<p>761.65(i)(2)</p> <p>A laboratory sample is exempt from the manifesting requirements in §761.208 when:</p> <ul style="list-style-type: none"> <li>(i) The sample is being transported to a laboratory for the purpose of testing.</li> <li>(ii) The sample is being transported back to the sample collector after testing.</li> <li>(iii) The sample is being stored by the sample collector before transport to a laboratory for testing.</li> </ul>			App D – Facility Operating Plan – see Management of Laboratory Samples

Subject	Federal Toxic Substances Control Act (TSCA) Regulation	Complete	Technical Adequacy	Notes
Exemption for laboratory samples	<p>761.65(i)(2)</p> <p>(iv) The sample is being stored in a laboratory before testing.</p> <p>(v) The sample is being stored in a laboratory after testing but before it is returned to the sample collector.</p> <p>(vi) The sample is being stored temporarily in the laboratory after testing for a specific purpose (for example, until conclusion of a court case or enforcement action where further testing of the sample may be necessary).</p>			App D – Facility Operating Plan – see Management of Laboratory Samples
Exemption for laboratory samples – shipping	<p>761.65(i)(3)</p> <p>In order to qualify for the exemption in paragraph (i)(2)(i) and (i)(2)(ii) of this section, a sample collector shipping samples to a laboratory and a laboratory returning samples to a sample collector must:</p> <p>(i) Comply with applicable U.S. Department of Transportation (DOT) or U.S. Postal Service (USPS) shipping requirements, found respectively in 49 CFR 173.345 and U.S. Postal Regulations 652.2 and 652.3.</p>			App D – Facility Operating Plan – see Management of Laboratory Samples
Exemption for laboratory samples – shipping	<p>761.65(i)(3)</p> <p>(ii) Assure that the following information accompanies the sample:</p> <p>(A) The sample collector's name, mailing address, and telephone number.</p> <p>(B) The laboratory's name, mailing address, and telephone number.</p> <p>(C) The quantity of the sample.</p> <p>(D) The date of shipment.</p> <p>(E) A description of the sample.</p> <p>(iii) Package the sample so that it does not leak, spill, or vaporize from its packaging.</p>			App D – Facility Operating Plan – see Management of Laboratory Samples

Subject	Federal Toxic Substances Control Act (TSCA) Regulation	Complete	Technical Adequacy	Notes
Disposal of PCB laboratory samples	<p>761.65(i)(4)</p> <p>When the concentration of the PCB sample has been determined, and its use is terminated, the sample must be properly disposed. A laboratory must either manifest the PCB waste to a disposer or commercial storer, as required under §761.208, retain a copy of each manifest, as required under §761.209, and follow up on exception reporting, as required under §761.215 (a) and (b), or return the sample to the sample collector who must then properly dispose of the sample. If the laboratory returns the sample to the sample collector, the laboratory must comply with the shipping requirements set forth in paragraph (i)(3)(i) through (i)(3)(iii) of this section.</p>			App D – Facility Operating Plan – see Management of Laboratory Samples
Changes in storage facility ownership	<p>761.65(j)</p> <p>The date of transfer of interim status or final approval shall be the date the EPA Regional Administrator (or appropriate official at EPA Headquarters) provides written approval of the transfer. EPA will provide a final written decision within 90 days of receipt of the complete new or amended application. The Agency will approve the transfer if the following conditions are met:</p> <p>(1) The transferee has established financial assurance for closure pursuant to paragraph (g) of this section using a mechanism effective as of the date of final approval so that there will be no lapse in financial assurance for the transferred facility.</p>			No action required at this time.
Changes in storage facility ownership	<p>761.65(j)(2)</p> <p>(2) The transferor or transferee has resolved any deficiencies (e.g., technical operations, closure plans, cost estimates, etc.) the Agency has identified in the transferor's application.</p>			No action required at this time.
Exemption for States and the Federal Government	<p>761.65(k)</p> <p>States and the Federal Government are exempt from the requirements of paragraphs (f) and (g) of this section.</p>			No action required at this time.