



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

Approval for a Toxic Substances Control Act  
PCB Commercial Storage Facility

Permittee: Lighting Resources, Inc.  
1522 East Victory Street, Suite 4  
Phoenix, AZ 85040

EPA ID Number: AZD 983 476 680

This Approval is being issued by the United States Environmental Protection Agency (Agency) to Lighting Resources, Incorporated (LRI). It authorizes LRI to operate a PCB commercial storage facility at 1522 East Victory Street, Suite 4, Phoenix, Arizona. This Approval is being issued pursuant to Section 6(e)(1) of the Toxic Substances Control Act (TSCA) of 1976, 15 U.S.C. § 2605 (e)(1) and 40 C.F.R. Part 761.

LRI shall comply with all terms and conditions of this Approval. The Approval consists of the conditions within this document and the regulations contained in 40 C.F.R. Part 761. All terms and conditions of the Approval are severable. If any provision of the Approval is determined by the Agency to be invalid, LRI shall be subject to all remaining conditions.

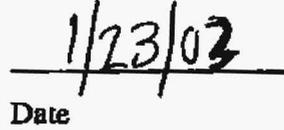
This Approval is based on the written information submitted by LRI in its October 18, 2001 Application, as modified by the Operator's November 7, 2001, December 11, 2001 and January 17, 2002 letters to EPA, and on the comments provided by the Public during the Public Comment Period, between January 25, and May 28, 2002. Inaccuracies found in the written information provided by LRI may be grounds for the termination or modification of this Approval.

This Approval is effective immediately and shall remain in effect for 9 years, unless modified, revoked and reissued, terminated, or renewed, in accordance with 40 C.F.R. Part 761 or the terms and conditions herein.

  
Enrique Manzanilla

Director

Cross-Media Division

  
Date

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## A. DEFINITIONS

All the terms and acronyms used in this Approval shall be defined in accordance with Title 40 of the Code of Federal Regulations Part 761.3 unless defined below. To aid in the review of this approval, some definitions from 40 C.F.R. Part 761.3 have been restated in this section where noted.

1. “Agency” means the United States Environmental Protection Agency, the U.S. EPA or EPA.
2. “Applicant” means Lighting Resources, Incorporated.
3. “Application” means the report enclosed with the Operator’s letter to EPA dated October 18, 2001 as modified by the Operator’s November 7, 2001, December 11, 2001 and January 17, 2002 letters to EPA.
4. “Ballast Processing Area” means the PCB Ballast Processing Room, shown in Figure 2 of LRI’s Closure Plan.
5. “Emergency Contingency Plan” means Section 6 of the Application
6. “C.F.R.” means the Code of Federal Regulations.
7. “Director” means Director of the Cross-Media Division, U.S. EPA Region 9.
8. “Dry well” means an area where storm water is collected, drained or diverted into a drainage system, river or street for the purposes of disposal.
9. “Facility” means Suite 4 at 1522 E. Victory Street, Phoenix Arizona. The Facility also includes the area around Suite 4 controlled or used by the Operator, such as the loading and unloading area, and the area used to store scrap metal at the rear of Suite 4.

10. "Independent Third Party" means a contractor hired by the Operator to perform work at the facility.
11. "LRI" means Lighting Resources, Incorporated a privately own company incorporated in the state of California.
12. "Local Library" means the Ocotillo Branch of the Phoenix Public Library, located at 102 W. Southern Avenue in Phoenix (85041). Information sent to the library should be directed to the reference desk.
13. "Operator" means Lighting Resources, Inc a privately owned company incorporated in the state of California.
14. "Owner" means Phoenix 16<sup>th</sup> Street Industrial Partners, Limited Partnership, mailing address:  
  
Phoenix 16<sup>th</sup> Street Industrial Partners, Limited Partnership  
c/o Harrison Properties  
5112 North 40<sup>th</sup> Street, Suite 105  
Phoenix, AZ 85018
15. "PCB Storage Area" means the areas where 20 Gaylord boxes and 70 55-gallon drums are stored for disposal, as shown in Figure 2 of LRI's Closure Plan.
16. "ppm" means parts per million or milligrams per kilogram.
17. "Regional Administrator" means the Regional Administrator, U.S. EPA Region 9.
18. "U.S.C." means the United States Code.

## B. BACKGROUND

1. The Facility consists of Suite 4 at 1522 East Victory Street, Phoenix Arizona (approximate location shown in Figure 1). The Facility also includes areas around the Suite 4 controlled or used by the Operator, such as the loading and unloading area, and the area used to store scrap metal at the rear of Suite 4.
2. The Facility is leased by the Operator from the Owner.
3. The Operator stores PCB containing lighting ballasts and electrical equipment. Other activities conducted by the Operator at this location include, but are not limited to, the storage of mercury, primarily from fluorescent lamps, and the collection of universal hazardous wastes, like batteries.
4. This Approval allows the Operator to store PCB waste at the Facility. Wastes may also be temporarily located in the freezer and Ballast Processing Area in accordance with the provisions of this Approval. Additionally it authorizes the Operator to decontaminate PCB lighting ballasts in accordance with the provisions of this Approval and to decontaminate PCB electrical equipment and PCB contaminated electrical equipment.

## C. REQUIRED DETERMINATIONS FOR STORAGE

1. In accordance with 40 C.F.R. § 761.65(d)(2)(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.

This finding is based on our review of the experience of the personnel that manage the Facility, as stated in the resumes contained in Section 4 of the Application. This finding is also based on Sections 5, 6 and 7 of the Safety and Environmental Manual in Section 8 of the Application. Section 5, the Disposal of PCB Containing Devices, includes the Ballast Receiving/Processing Procedures and the Transformer Receiving Processing Procedures. Section 6, titled Safety Program, discusses required training for employees. Section 7 covers new employee orientation. Additionally, Condition D.5.a. of this approval requires EPA approval of all key employees, above the level of laborer, to ensure compliance with the standard throughout the term of this approval.

2. In accordance with 40 C.F.R. § 761.65(d)(2)(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. This determination is based on the calculations contained in Section 3.8 of the Application.
3. In accordance with 40 C.F.R. § 761.65(d)(2)(iii), the Facility Owner or Operator of the unit has certified compliance with the storage facility standards in 40 C.F.R. §761.65 (b) and (c)(7). This finding is based the January 17, 2002 fax from the Operator.
4. In accordance with 40 C.F.R. § 761.65(d)(2)(iv), the Director finds that the Operator has developed a written closure plan for the Facility that is deemed acceptable under the closure plan standards of 40 C.F.R. § 761.65(e). This finding is based on Section 7 of the Application.

As required by 40 C.F.R. § 761.65(e), the closure plan (Section 7) includes a description of closure work for the PCB Storage Area, the maximum extent of storage operations (the locations waste will be stored), an estimate of the maximum amount of waste that could be stored at the Facility, a detailed description of the steps necessary to decontaminate PCB waste residues, a detailed description of the steps necessary to ensure that any post-closure releases of PCBs will not present unreasonable risks to human health or the environment, and a schedule for closure of each area of the facility where PCBs were stored or handled. These sections are consistent with EPA guidance on decontaminating, sampling and analyzing PCBs. Additionally, the plan conforms to EPA's general guidance on quality assurance and quality control.

5. In accordance with 40 C.F.R. § 761.65(d)(2)(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 40 C.F.R. § 761.65(g). This finding is based on EPA's evaluation of the information contained in Section 7. Section 7 contains the closure plan, including a cost estimate for closure. Section 7.8 contains a trust agreement setting aside more than more than the 1/3rd of the money required for closure (Condition D.9.b requires full funding within two years of the date of final EPA Approval).
6. In accordance with 40 C.F.R. § 761.65(d)(2)(vi), the operation of the storage facility will not pose an unreasonable risk of injury to health or the environment. This finding is based on the Safety and Environmental Manual, Section 8 of the Application, and the Emergency Contingency Plan, Section 6 of the Application. The Safety and Environmental Manual includes, but is not limited to, procedures for handling PCBs, an orientation program for new employees, the Operator's training program, protective personal equipment requirements, the respiratory protection program and the drum management program.
7. In accordance with 40 C.F.R. § 761.65(d)(2)(vii), the history of environmental civil violations of the Applicant, its principals, and its key employees does not constitute a

sufficient basis for denial of approval. This finding is based on EPA's evaluation of the information contained in Section 4.6 of the Application, which discusses the history of violations for the Operator and employees of the Operator as well as EPA's Inspection Report for September 27, 2000.

## D. CONDITIONS OF APPROVAL

### 1. General Requirements

- a. This Approval shall apply only to the Operator unless the Agency approves a change in the operational control, transferring this Approval in accordance with condition F.4.
- b. In accordance with 40 C.F.R. § 761.1(e), the regulations at 40 C.F.R. Part 761 do not preempt other more stringent Federal, state and local statutes or regulations.
- c. This Approval for PCB storage at the Facility is valid for a period of 9 years from the date of this Approval.
- d. The Operator shall comply with TSCA (15 U.S.C. § 2605), TSCA regulations at 40 C.F.R. Part 761, and the conditions of this Approval.
- e. Any request to modify the conditions of this Approval by the Owner or Operator is not effective unless the Agency provides written approval.
- f. In accordance with 15 U.S.C. § 2610(a), the Operator shall allow Agency officials, and representatives of the Agency, to conduct inspections of the Facility.
- g. In accordance with 15 U.S.C. § 2610(b)(1), the Operator shall allow Agency officials access to all things within the premises or conveyance inspected (including records, files, papers, processes, controls and facilities) bearing on compliance with TSCA.
- h. The Operator shall follow the marking requirements of 40 C.F.R. § 761.40 and 40 C.F.R. § 761.65(c)(3). Marking labels shall be used in accordance with 40 C.F.R. § 761.45.
- i. Failure to comply with any condition of this Approval is a prohibited act Under TSCA section 15 Subsection 2614(1).

## 2. Wastes Accepted

- a. With the exception of PCB/radioactive waste, the Facility is authorized to accept PCB lighting ballasts, PCB electrical equipment, PCB contaminated electrical equipment and non-liquid PCB waste, provided that the storage is in compliance with the terms of this Approval and the regulations contained in 40 C.F.R. Part 761.

## 3. PCB Storage and Transfer

- a. As required by 40 C.F.R. § 761.65(d)(4)(iii), the maximum amount of PCBs that can be stored at the Facility is 20 cubic-yard storage boxes and 70 55-gallon drums.
  - i. This quantity applies to all PCB waste stored at the Facility.
  - ii. If PCB Electrical Equipment or PCB Contaminated Electrical Equipment is stored at the facility, the limits shall be adjusted as described in Section 3.7-1 of the Application.
  - iii. No PCB waste storage is authorized outside the Facility, except as provided by 40 C.F.R. Part 761.
  - iv. PCBs may be stored for no more than 10 days in a trailer outside Suite 4 of the Facility, as described in 40 C.F.R. § 761.3 (see transfer facility definition) and will not count towards the facility total.
- b. All PCB waste will be stored in the PCB ballast storage area except in-process waste contained in the freezer or the PCB Ballast Processing Area, except as provided by 40 C.F.R Part 761.
  - i. The Operator is authorized to store two drums of PCB waste in the PCB Processing Area.
  - ii. The Operator is authorized to store two boxes of PCB waste in the PCB Ballast Processing Area.
- c. As required by 40 C.F.R. § 761.65(c)(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 immediately transferred to properly marked non-leaking containers. Any spilled or leaked materials and residues containing PCBs shall be immediately cleaned up and the materials and residues shall be disposed of in accordance with 40 C.F.R. § 761.61. Records of inspections, maintenance, cleanup and disposal must be maintained in accordance with 40 C.F.R. § 761.180(b).

- d. The Operator shall store waste in accordance with Section 3.7 and 3.8 of the application and Figure 2 of this Approval [40 C.F.R. § 761.65(d)(4)(iv)].
  - i. Waste stored in drums may be stacked no more than two drums high.
  - ii. Waste stored in boxes may not be stacked.
  - iii. Aisle space shall be maintained between rows of drums as shown in Figure 2 of LRI's Closure Plan.
- e. Out-bound waste generated by the Operator will be stored in U.S. Department of Transportation approved containers in accordance with 40 C.F.R. § 761.65(c)(6) and Section 3.8 of the Application.
  - i. The PCB containers shall be rated to hold the weight placed within the container (note: a cubic yard of potting compound weighs approximately 1,500 pounds) as required by 40 C.F.R. § 761.65(d)(4)(iv).
- f. All PCB waste transferred to another facility for storage or disposal shall be manifested [40 C.F.R. § 761.180(b)(4)].
- g. The Operator shall include a date removed from service for all waste generated by the Operator [40 C.F.R. § 761.207(a)].
- h. PCB Waste shall be disposed of as required by Subpart D of 40 C.F.R. § 761 within 1-year from the date it was determined to be PCB waste and the decision was made to dispose of it [40 C.F.R. § 761.65 (a)(1)].

#### 4. Facility Standards

- a. The Operator shall maintain the Facility to ensure compliance with 40 C.F.R. §761.65(b)(1).
- b. The Operator shall repair and re-coat the floor of Suite 4 of the Facility, with epoxy or other suitable coating, and fill the floor joints as necessary to ensure the entire storage area functions as required by 40 C.F.R. § 761.65(b)(1)(iii) and (iv).
  - i. Failure to adequately repair and re-coat Suite 4 of the Facility will create the need for a modification of the closure plan to reclassify it as a porous surface at the time of closure. In that event, different numbers of samples and different types of sampling may be necessary to adequately close the unit.
- c. The Operator shall not remove equipment that comes in direct contact with PCBs in the PCB Storage Area, unless the equipment is decontaminated in accordance with 40 C.F.R. § 761.79 [40 C.F.R. § 761.65(c)(4)].

#### d. Preventing Dry Well Exposure

Within 60 days of the date of this approval, the operator shall submit a plan to ensure that PCBs from the warehouse do not enter the dry well. The plan shall include a schedule to complete all identified tasks. Once approved by the Agency, the plan, shall be incorporated by reference into this Approval and the plan's schedule shall become the compliance schedule for this task. The Operator shall also submit a copy of this plan to the owner of the Facility [40 C.F.R. § 761.65(d)(4)(iv)].

#### e. Minimizing Fires

Within 90 days of this Approval, the Operator shall submit a plan for installing a sprinkler system to ensure that PCBs are protected from the threat of fire. The plan should include a schedule to complete all identified tasks. Once approved by the Agency, the plan shall be incorporated by reference into this Approval and the plan's

schedule shall become the compliance schedule for this task. The Operator shall also submit a copy of this plan to the owner of the Facility and the local Fire Department.[40 C.F.R. § 761.65(d)(4)(iv)].

## 5. Personnel

- a. To ensure continued compliance with 40 C.F.R. § 761.65(d)(2), the Operator shall provide information on the qualifications and environmental compliance history of key employees, above the level of laborers, within 30 days of new employees beginning employment. If, in the opinion of the Agency, a new employee is not sufficiently experienced for their position, EPA may request the new employee to take and successfully pass specific training courses related to the management of PCBs or hazardous materials.
- b. The Operator will train employees and maintain a record of employee training in accordance with Section 5.2 and 5.3 of the Application and 40 C.F.R. §761.65(d)(4)(iv).

## 6. Emergency Procedures

- a. The Operator shall implement the Contingency Plan, contained in Section 6 of the Application, in response to releases and potential releases of PCBs [40 C.F.R. § 761.125 and 761.65(d)(4)(iv)].
- b. The Operator shall maintain all supplies necessary to implement the Contingency Plan, in the locations specified in the Contingency Plan or in a readily accessible location [40 C.F.R. § 761.125 and 761.65(d)(4)(iv)].
- c. The Operator shall keep all equipment necessary to implement the Contingency Plan in proper working order, including the maintenance of certifications if necessary (e.g., re-certification of fire extinguishers) and store the equipment in the locations specified in the Contingency Plan [40 C.F.R. § 761.125 and 761.65(d)(4)(iv)].

- d. Within 15 days after an incident occurs that requires the use of the Contingency Plan, the Operator shall submit a written report to the Agency regarding the incident [40 C.F.R. § 761.125 and 761.65(d)(4)(iv)].
- e. The Operator shall follow the notification procedures of the Contingency Plan [40 C.F.R. § 761.125].
- f. The Operator shall modify its Contingency Plan whenever (1) the Plan fails to adequately address an emergency, (2) the emergency coordinator changes, (3) the list of emergency equipment changes, (4) significant changes are made to the Facility, or (5) the Agency determines that a revision to the Plan is necessary [40 C.F.R. § 761.65(d)(4)(iv)].

#### 7. Recordkeeping and Written Submissions

- a. As required by 40 C.F.R. § 761.180(b) and (b)(1), the Operator shall maintain all annual records for at least 3 years after the Facility is no longer used for the storage or disposal of PCBs and PCB Items. The annual records shall be composed of the following information [40 C.F.R. 761.180(b)(1) and 761.65(d)(4)(iv)] :
  - i. All signed manifests generated or received at the Facility during the calendar year.
  - ii. All certificates of disposal that have been generated or received by the Facility during the calendar year.
  - iii. Records of inspections, including the inspection checklists, and cleanups performed in accordance with 40 C.F.R. § 761.65(c)(5) and Condition D.3.c. of this Approval.
  - iv. Incoming Ballast Log.
  - v. Outbound Ballast Log.
- b. As required by 40 C.F.R. § 761.180(b)(2), the Operator shall maintain a written annual

document log for at least 3 years after the Facility is no longer used for the storage of PCB waste. The annual document log should include the following:

- vi. The name, address, and EPA Identification number of the Facility covered by the annual document log and the calendar year covered by the annual document log.
  - ii. For each manifest generated or received by the facility during the calendar year, the unique manifest number, name and address of the facility that generated the manifest and the information listed under 40 C.F.R. §761.180(b)(2)(ii)(A) - (E) of TSCA.
- c. The Operator shall submit an annual report to the Agency, and to the reference desk of the Local Library, for the previous (calendar) year by July 15 [40 C.F.R. § 761.180(b)(3) and 761.65(d)(4)(iv)]. The annual report shall be composed of the following information:
- i. The name, address, and EPA identification number of the Facility covered by the annual report for the calendar year.
  - ii. A list of the numbers of all signed manifests of PCB waste initiated or received by the Facility during the year.
  - iii. The total weight in kilograms of bulk PCB waste, PCB waste in PCB transformers, PCB waste in PCB Large High or Low capacitors, PCB waste in PCB article containers and PCB waste in PCB containers, in storage at the Facility at the beginning of the calendar year, received or generated at the Facility, transferred to another facility, or disposed of at the Facility during the calendar year.
  - iv. The total number of PCB transformers, the total number of PCB Large High or Low Voltage capacitors, the total number of PCB article containers, and the total number of PCB containers in storage at the Facility at the beginning of the calendar year, received or generated at the Facility, transferred to another facility, or disposed of at the Facility during the calendar year.
  - v. The total weight in kilograms of each of the following categories: bulk PCB

waste, PCB waste in PCB transformers, PCB waste in PCB Large High and Low Voltage capacitors, PCB waste in PCB article containers, and PCB waste in PCB containers remaining in storage for disposal at the Facility at the end of the calendar year.

- vi. The total number of PCB transformers, the total numbers of PCB Large High or Low Voltage capacitors, the total number of PCB article containers and the total number of PCB containers remaining in storage for disposal at the Facility at the end of the calendar year.
  
- d. The facility shall maintain a copy of all documents, correspondence and data that have been provided to or sent from the Owner or Operator to any State or local government agency that pertain to the storage of PCBs and PCB Items at the Facility for at least 3 years after the Facility is no longer used for the storage of PCB waste [40 C.F.R. § 761.180(f)(1) and (2)].
  
- e. The Facility shall maintain a copy of any applications and related correspondence sent by the Owner or Operator of the Facility to any local, State or Federal authorities in regard to building permits, fire department permits, storm water permits or other permits as required by 40 C.F.R. § 761.180(f)(3).
  
- f. The Operator shall write in ink or type all records required by Subpart J of 40 C.F.R. Part 761. Any modification or correction of the records must be initialed and dated by the supervisor in charge.
  
- g. The Operator shall include a certification statement found at 40 C.F.R. §761.3 whenever submitting written information about the Facility to the Agency.
  
- h. The Operator shall submit to the Agency annual adjustments for inflation to the closure cost estimate, within 60 days prior to the annual date of this Approval [40 C.F.R. § 761.65(f)(2)].

- i. The Operator shall keep at the Facility during its operating life the closure cost estimate, including any adjustments resulting from inflation or from modifications to the closure plan [40 C.F.R. § 761.65(f)(4)].
- j. Unless otherwise notified by the Agency, all documents required to be submitted under this Approval shall be sent to the following address:

Director, Cross-Media Division  
U.S. Environmental Protection Agency - Region 9  
Attn: Regional PCB Coordinator  
Toxics Section, (CMD-4)  
75 Hawthorne Street  
San Francisco, CA 94105

## 8. Closure

- f. The Operator's Closure Plan, Section 7 of the Application, is incorporated by reference into this Approval [40 C.F.R. § 761.65(d)(4)(ii)].
  - i. Soil samples will be required in areas where asphalt samples exceed clean-up standards of Section G of this Approval.
- g. The Operator shall comply with the closure schedule of Section 7 of the Application [40 C.F.R. § 761.65(e)(6)(i)-(iv)].
  - i. The Operator shall notify in writing the Director at least 60 days prior to the date on which final closure of its PCB storage facility is expected to begin [40 C.F.R. § 761.65(e)(6)(i)].
  - ii. The date when the Operator "expects to begin closure" shall be no later than 30 days after the date on which the PCB storage facility received its final quantities of PCB waste [40 C.F.R. § 761.65(e)(6)(ii)].
  - iii. Within 90 days after receiving the final quantity of PCB waste for storage, the Operator shall removal all PCB waste in storage at the Facility from the facility in

- accordance with the closure plan [40 C.F.R. § 761.65(e)(6)(iii)].
- iv. The Operator 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 [40 C.F.R. § 761.65(e)(6)(iv)].
  
  - h. The Operator shall submit a written request to the Agency for a modification to this Approval whenever changes in ownership, the Operator, operating plans, or the Facility design affect the existing closure plan [40 C.F.R. § 761.65(e)(4)(i)].
    - i. If the Director approved a closure plan modification, and that modification increases the cost of closure, the 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 condition D.7.h.
  
  - i. The Operator shall submit a written request to the Agency for a modification to this Approval whenever there is a change in the expected date of closure [40 C.F.R. § 761.65(e)(4)(ii)].
  
  - j. The Operator shall submit a written request to the Agency for a modification to this Approval whenever, in conducting closure activities, unexpected events require a modification of the approved closure plan [40 C.F.R. § 761.65(e)(4)(iii)].
  
  - k. Within 60 days of completion of closure, the Operator shall submit, 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, as required by 40 C.F.R. § 761.65(e)(8).
    - i. The closure certification shall contain information to support the certification, including, but not limited to, manifests for waste shipments, sampling results, maps showing sampling locations, pictures of decontaminated areas, pictures of the sampling grid or sampling locations based on the grid and pictures of the

Facility at the conclusion of closure activities.

l. Standards

- i. The Operator shall decontaminate any areas found to exceed the cleanup standard in accordance with the procedures contained in the closure plan.

Matrix	Clean-up Standard
Non-Porous Surfaces	10 ug/100 cm <sup>2</sup>
Porous Surfaces	1 mg/kg

- ii. Epoxy coated concrete in the PCB Storage Area is a porous and non-porous surface (the Facility was used to store PCBs before it was coated with epoxy).
- iii. Asphalt and soil are porous surfaces.

h. Verification Sampling

- i. To ensure the Operator has adequately decontaminated the Facility, the Operator must demonstrate that with 90% certainty (false positive or  $\alpha = 0.10$ ) that 90% of the randomly selected verification wipe samples do not exceed the appropriate decontamination standard ( $P_o=0.10$ ) stated in the closure plan, for both porous and non-porous surfaces (for more information, see Methods for Evaluating the Attainment of Cleanup Standards, Volume 1: Soils and Solid Media, EPA 230/02-89-042).

To make such a demonstration, the following number of exceedences of the wipe standard are allowed.

Random Samples	Allowed Exceedences
22-37	0
38-51	1
52-64	2
65-77	3
78-90	4
91-103	5

This table is copied from a portion of Table A.10 in EPA's Methods for the Evaluating the Attainment of Cleanup Standards, Volume 1: Soils and Solid Media, EPA 230/02-89-042.

- ii. If the verification sampling event includes more than the allowed number of exceedences, the Operator has the following options:
  - 1) Repeat verification sampling.
  - 2) Collect additional randomly located verification wipe samples (e.g., if 2 samples out of 45 exceed the cleanup standard, the Operator may collect seven additional randomly selected wipe samples with the intent of demonstrating that no more than 2 out of 52 samples exceed the cleanup standard).
  - 3) Propose an alternative approach for Agency approval.
- iii. At wipe sample locations found to exceed the decontamination standard, the Operator shall collect four wipe samples in the grid locations immediately to the north, south, east and west (of the sample found to exceed the decontamination standard) to determine the extent of contamination.
- iv. Verification samples following the identification and decontamination of an area exceeding the cleanup standard, and resampled in accordance with the closure plan and condition D.8.g.iii. are not counted as random samples.
- v. The third party verification contractor must observe the collection of verification

wipe samples.

## 9. Financial Assurance

- a. The Operator shall make adjustments to the closure trust fund to reflect the revised closure cost estimate (see condition D.7.h above) annually from the date of this Approval [40 C.F.R. § 761.65(f)(2)].
- b. For the first two years of this Approval, the Operator shall make annual adjustments to the closure trust fund to ensure that it is 2/3rds funded within one year of the date of this Approval and fully funded within two years of the date of this Approval, in accordance with 40 C.F.R. § 761.65(g)(1)(i).

(Please note that Conditions D.7.h. and i. contain recordkeeping and reporting requirements related to financial assurance).

### c. Bankruptcy

If a voluntary or involuntary proceeding under Title 11 (Bankruptcy), of the U.S.C., names the Operator as a debtor, the Facility shall notify the Regional Administrator within 10 days of commencement of the proceeding.

## E. DECONTAMINATION

This Section applies to the decontamination of porous and non-porous surfaces in contact with non-liquid PCBs (e.g., the removal of PCB contaminated potting compound from metal components of lighting ballasts).

### 1. Standards for Decontamination of PCB Lighting Ballasts

#### a. Alternative Standard for Wire and Steel [40 C.F.R. § 761.79(h)]

	Steel	Wire
Recycled by a 761.72 (a) Metal Recovery Oven	100 ug/100 cm <sup>2</sup>	100 ug/100 cm <sup>2</sup>

#### b. Unrestricted Standard for Wire and Steel [40 C.F.R. § 761.79(h)]

If requested in a minor modification, the Operator may decontaminate wire or steel to the following unrestricted standard following verification sampling in accordance with Condition E.2.:

	Steel	Wire
Unrestricted Use	10 ug/100 cm <sup>2</sup>	10 ug/100 cm <sup>2</sup>

#### c. Self Implementing Decontamination Standards

If requested in a minor modification, the Operator may change to EPA's self-implementing decontamination standards (e.g., those found at 40 C.F.R. § 761.79(b)(3)(i)(B), 761.79(b)(3)(ii)(B) or 761.79(c)(6)).

## 2. Verification of Lighting Ballasts Decontamination

- a. To determine compliance with the decontamination standards of E.1.a. or E.1.b. (but not E.1.c.), the Operator shall arrange for an independent third party contractor to sample, package, and ship or transport 15 samples to the Laboratory identified in Section 7 of the Application [40 C.F.R. § 761.79(h)].
  - i. Initially, these samples shall be collected within three months of the date of this Approval [40 C.F.R. § 761.79(h)].
  - ii. Subsequently, sampling shall occur annually within 30 days (before or after) of the anniversary date of this Approval [40 C.F.R. § 761.79(h)].
  - iii. Sampling shall be performed consistent with Appendix A of this Approval.
  - iv. The Operator will successfully demonstrate the adequacy of decontamination if no more than one of the fifteen (wire and scrap metal) samples exceeds the applicable standard.
    - 1) If two or more of the samples exceed the applicable standard, the scrap metal shall be considered TSCA PCB waste (if  $>100 \text{ ug}/100 \text{ cm}^2$ ) or restricted to recovery in a scrap metal recovery oven (if  $>10 \text{ ug}/100 \text{ cm}^2$  and  $<100 \text{ ug}/100 \text{ cm}^2$ ), unless the scrap metal is reprocessed and resampled. All subsequent shipments of scrap metal shall be considered TSCA PCB waste or restricted to recovery in a scrap metal recovery oven (as appropriate) until the Operator has (1) submitted a report identifying and correcting processing deficiencies to the Agency, (2) The Agency has approved the report, and (3) subsequent re-sampling by the independent third party contractor demonstrates compliance with the standards of condition E.1.a. or E.1.b. as appropriate [40 C.F.R. § 761.79(h)].
  - v. If the Operator cannot consistently achieve the decontamination standard, the Agency may suspend or terminate the Operator's approval to decontaminate porous and non-porous surfaces in contact with PCBs [40 C.F.R. § 761.79(h) and 761.65(d)(4)(iv)].
  - vi. The Operator may propose an alternate procedure to verify the adequacy of decontamination as a minor modification. Such a proposal must be justified (e.g.,

by EPA sampling guidance, such as EPA QA/G-4 (Document Number EPA/600/R-96/055))

### 3. Worker Monitoring

- a. Within 60 days of the effective date of this Approval, the Operator shall submit a plan for independent third party air (particulate) monitoring in the Ballast Processing Area and the PCB waste storage area. The plan shall include a schedule of implementation. This requirement shall apply annually for the first three years of the permit. EPA may extend this requirement to subsequent years by providing a written justification of the need for continued monitoring to the Operator. [40 C.F.R. § 761.65(d)(4)(iv) and 761.79(e)]
  - i. If the air concentration exceeds the OSHA Permissible Exposure Level (currently  $1 \text{ mg/m}^3$ , based on a time-weighted average), the Operator shall revise the General Training and Safety Plan, Attachment 3 of the Application, to include adequate inhalation protection or submit a plan to install equipment to remove or reduce breathing zone concentrations of PCBs [40 C.F.R. § 761.79(e)].

### 4. Outdoor Air Monitoring

- a. Within 60 days of the effective date of this Approval, the Operator shall submit a plan for independent third party air (particulate) monitoring outside Suite 4, but still within the Facility boundary. The plan shall include a schedule of implementation. This requirement shall apply annually for the first three years of the permit. EPA may extend this requirement to subsequent years by providing a written justification of the need for continued monitoring to the operator [40 C.F.R. § 761.65(d)(4)(iv)].
- b. If the air concentration exceeds  $1 \text{ ug/m}^3$ , the Operator shall submit and implement a plan to reduce outdoor air concentrations within 30 days of receiving laboratory results [40 C.F.R. § 761.65(d)(4)(iv)].

## 5. Notification of Changes to the Decontamination Process

- a. The Operator must notify the Director not later than 30 days prior to making physical changes to the ballast processing method specified in Attachment 2 of the Application, Handling and Disposal of PCB Ballast and Capacitors [40 C.F.R. § 761.79].
  - i. If in the opinion of EPA, the ballast processing changes are significant, verification sampling shall be conducted, in accordance with Conditions E.2.a, E.2.a.iii, E.2.a.iv., and E.2.a.v. of this Approval, prior to the off-site transfer of any material decontaminated by the new method.
  - ii. Additional decontamination steps intended to supplement the current decontamination process will not be considered a significant change.

## 6. Standards for Decontamination of PCB and PCB Contaminated Electrical Equipment

- a. The Operator may decontaminate non-porous surfaces in contact with free-flowing mineral oil dielectric fluid at levels less than 10,000 ppm PCB in compliance with 40 C.F.R. § 761.79(c)(3)(i), (ii), (iii), (iv), (v), and (vi).
- b. If any Operator decontaminates non-porous surfaces in contact with free-flowing mineral oil dielectric fluid at levels greater than 10,000 ppm PCB in mineral oil filled dielectric fluid or askarel PCB (up to 70 percent PCB in a mixture of trichlorobenzenes and tetrachlorobenzenes), the operator must do so in compliance with 40 C.F.R. § 761.79(c)(4)(i), (ii), (iii), (iv), (v), (vi), (vii), (viii) and (ix).

## F. PROCEDURES TO MODIFY, RENEW OR SUSPEND THIS APPROVAL

### 1. Modification

#### a. Minor Changes/Modifications

- i. Proposed minor changes to this approval shall be requested in writing to the Agency.
- ii. Examples of minor changes include: typographical corrections, a change in Facility personnel, upgrading functionally equivalent emergency response equipment, re-coating the PCB Storage Area, decreasing the maximum amount of waste stored at the Facility, a change in the expected date of closure, changes to laboratory test methods specified in the closure plan, changes in the laboratory that will analyze closure samples, changing between the decontamination standards of Section E.1.a., E.1.b. and E.1.c of this Approval, transfer of this Approval to a new Operator (see condition F.4. for additional requirements), and changes to make this Approval consistent with revisions to 40 C.F.R. Part 761 made after the date of this Approval.
  - 1) In response to a minor modification, the Agency may notify the Operator that the requested change is a major modification.
  - 2) The Agency will notify the Operator of its decision in writing. If the Agency denies a proposed minor modification, it will provide specific reasons to the Operator along with the decision. The Agency may suggest changes to the minor modification to make it acceptable.
  - 3) Public Notice of minor changes is at the discretion of the Agency.

#### b. Major Changes/Modifications

- i. All proposed major changes will be submitted in writing to the Agency and to the Local Library.
- ii. Examples of major changes include increases to the Facility's storage capacity.
- iii. Along with each proposed major modification, the Operator will include a brief announcement of the proposed major modification suitable for the Agency to mail

to interested community members.

- iv. The Agency will notify the Operator of its decision in writing. If the Agency denies a proposed major modification, it will provide specific reasons to the Operator along with the decision. The Agency may suggest changes to the major modification to make it acceptable.
- v. The Agency will provide an opportunity for public comment on all major modifications.

## 2. Renewal and Extension

- a. The Operator shall submit written notification of intent to seek renewal of the Approval or initiate closure under the Approval, 180 days prior to the expiration of the Approval.
- b. The written notification from the Operator for renewal of the Approval shall consist of an application that includes all documentation necessary to determine compliance with the requirements of 40 C.F.R. §761.65(d)(2)-(3).
- c. If the Applicant has fulfilled conditions 2(a) and (b) above, this Approval will continue beyond the 9 year period, until the Agency reaches a final decision on the new application.

## 3. Suspension and Termination

- a. The Agency may suspend or terminate this approval, or deny an application for Approval renewal, if the Director determines the following conditions have been met [40 C.F.R. § 761.65(d)(4)(iv)].
  - i. Noncompliance with any condition of the Approval.
  - ii. Failure by the Operator in the Approval application or Approval issuance process to disclose fully all relevant facts, or the Operator's misrepresentation of any relevant facts at any time.
  - iii. The activities performed under the Approval pose an unreasonable risk to human

health or the environment.

- iv. A change in any condition that requires either a temporary or permanent reduction or elimination of any disposal practice controlled by the Approval (e.g., facility closure). The Agency shall provide 30-day notice to the Operator or the pending termination and shall consider any comments submitted by the Operator in regard to the Proposed termination
- b. If the Approval is suspended, the Operator may apply for reinstatement of the Approval by providing the Director with evidence that the conditions which resulted in the suspension of the Approval have been eliminated. The Operator shall not resume operations until the Director approves the reinstatement of the Approval.

#### 4. Change in Operational Control of the Facility

- e. A modification to transfer this Approval must demonstrate the following:
  - i. The transferee has established financial assurance for closure pursuant to 40 C.F.R. § 761.65(g) using a mechanism as of the date of final approval of the transfer so that there will be no lapse in financial assurance [40 C.F.R. § 761.65(j)(1)].
  - ii. 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 [40 C.F.R. § 761.65(j)(2)].
- b. In accordance with 40 C.F.R. § 761.65(j), the date of transfer of this Approval will be the date the Director provides written approval of the transfer.