

US EPA ARCHIVE DOCUMENT

**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 5**

In the Matter of:)	
)	
USA Lamp & Ballast Recycling, Inc.)	Approval to Commercially Store
DBA Cleanlites Recycling, Inc.)	Polychlorinated Biphenyls (PCBs)
665 Hull Road)	Pursuant to 40 C.F.R. § 761.65(d)
Mason, Michigan 48854)	
MIR 000 016 402)	
_____)	

AUTHORITY

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

BACKGROUND

Section 6(e)(1)(A) of TSCA, 15 U.S.C. § 2605(e)(1)(A), requires that the United States Environmental Protection Agency (EPA) promulgate rules for the disposal of PCBs. Rules implementing TSCA Section 6(e) were published in the May 31, 1979 Federal Register (44 Fed. Reg. 31,542) and recodified in the May 6, 1982 Federal Register (47 Fed. Reg. 19,527). Those rules also regulated the storage of PCB waste prior to disposal under the TSCA Section 6(e)(1) disposal authority for PCBs. Amendments to those rules were published in the December 21, 1989 Federal Register (54 Fed. Reg. 52,746).

USA Lamp & Ballast Recycling, Inc., doing business as (DBA) Cleanlites Recycling, Inc. (Cleanlites), is engaged in the storage of PCB Items in quantities less than 500 gallons at its facility in Mason, Michigan. The facility currently accepts universal waste for processing, which includes sorting, disassembling, and repackaging for shipment to recycling companies. Lamps are processed through a lamp crusher that separates the metal, glass, and powdered components for shipment to recycling companies. PCB Items (fluorescent light ballasts) are processed by removing wires and other detachable parts and then placed into 55-gallon drums for disposal at an off-site disposal facility. PCB Items are not recycled or disposed at the Cleanlites facility.

Cleanlites is applying for permission from EPA Region 5 under the regulations of 40 C.F.R. § 761.65(d) to store PCBs and/or PCB Items generated by others with concentrations greater than 50 parts per million (ppm) for disposal and in quantities greater than 500 gallons.

The Application was first submitted to EPA Region 5 on December 18, 2012. On August 8, 2013, EPA issued a Notice of Deficiencies letter to Cleanlites. Cleanlites submitted revised applications or portions thereof in July 2014, October 2014, and August 2015.

On February 22, 2016, EPA issued another Notice of Deficiencies letter to Cleanlites. On April 11, 2016, Cleanlites submitted a revised Application to EPA Region 5, which was dated March 2016. The March 2016 application from Cleanlites is the basis for this Approval.

APPLICABLE REGULATIONS

This Approval is developed in accordance with the applicable requirements of the PCB regulations. The rules applicable to the storage for disposal of PCBs at concentrations of 50 ppm or greater and PCB Items with PCB concentrations of 50 ppm or greater are codified at 40 C.F.R. § 761.65 (“Storage for disposal”) and 761.180 (“Records and monitoring”). Such rules require, among other things, that commercial storers of PCB waste, storing regulated PCB containing material in quantities greater than 500 gallons, obtain a written approval issued by the Regional Administrator for the region in which the storage facility is located. *See* 40 C.F.R. § 761.3 and .65(d). On July 28, 2014, the authority of the Regional Administrator was delegated to the Director, Land and Chemicals Division, EPA Region 5.

DEFINITIONS

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

“Approval” means EPA’s initial approval of the Cleanlites Application, and any subsequent EPA approved written modifications thereto.

“Application” and “Cleanlites Application” mean the Cleanlites Application dated March 2016, and any subsequent Cleanlites Application that EPA approves in writing as a modification to this Approval.

“Cleanlites” means Cleanlites, Recycling, Inc., the company which owns and operates a PCB commercial storage facility located at 665 Hull Road, Mason, Michigan, and which is approved to commercially store PCB waste under this Approval.

“Cleanlites Facility” and “Facility” mean the PCB commercial storage facility located at 665 Hull Road, Mason, Michigan.

“Delegate” means the Director, Land and Chemicals Division, EPA Region 5.

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

“EPA” means EPA Region 5.

“Regional Administrator” means the Regional Administrator, EPA Region 5.

APPROVAL

Cleanlites submitted an Application to EPA to commercially store PCBs and PCB Items for disposal at the Cleanlites Facility, 665 Hull Road, Mason, Michigan, latitude North 42° 33' 44" and longitude West 84° 26' 23". Upon review of the Cleanlites Application dated March 2016, EPA has determined that all the requirements set forth in 40 C.F.R. § 761.65(d)(2)(i) through (d)(2)(vii) have been met. Specifically, the Application indicates that Cleanlites operations, storage facility, employee qualifications, closure plans, and financial plans for closure satisfy such requirements. EPA approves the Cleanlites Application to commercially store PCBs and PCB Items for disposal at the Cleanlites Facility.

This Approval shall become effective the date the Regional Administrator or his or her delegate signs the Approval and shall expire ten (10) years from such date, unless suspended, revoked or terminated in accordance with the Approval’s provisions, or otherwise authorized under applicable law.

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

Margaret M. Guerriero
Director
Land and Chemicals Division
U.S. Environmental Protection Agency
Region 5

Date: _____

Cleanlites Recycling, Inc.
Mason, Michigan

INDEX

	<u>PAGE</u>
Authority.....	1
Background.....	1
Applicable Regulations.....	2
Definitions.....	2
Approval.....	3
Index.....	4

APPROVAL CONDITIONS

I. Standard Conditions

A. Effect of Approval.....	6
B. Approval Suspension/Revocation.....	6
C. Approval Compliance.....	6
D. Severability.....	7
E. Approval Renewal.....	7
F. Approval Expiration.....	7
G. Approval Modification.....	7
H. Entry and Inspection.....	8
I. Change in Ownership.....	8
J. Inapplicability of Paperwork Reduction Act.....	8

II. General Facility Conditions

A. Operation of Facility.....	9
B. Sampling/Analysis.....	9
C. Security.....	9
D. Personnel Training.....	9
E. Safety.....	9
F. Spills.....	9
G. Location Standard.....	10
H. Emergency Procedures.....	10
I. Recordkeeping and Reporting.....	11
J. Closure and Financial Requirements.....	11

III. PCB Storage Management

A. Storage Area.....	13
B. Design Requirements of Storage Area.....	13
C. Maximum PCB Storage.....	13
D. Containers.....	14
E. Aisle Space Requirement.....	14
F. Pallet Use and Drum Layer Limit.....	14
G. Management of PCB Items.....	14
H. Inspection Requirement.....	15
I. Routine Sampling Requirement.....	15

DRAFT

I. STANDARD CONDITIONS

A. Effect of Approval

Cleanlites may store PCBs and PCB Items in accordance with these Approval Conditions and the Federal PCB regulations at 40 C.F.R. Part 761. Any storage of PCBs and/or PCB items not authorized in this Approval is prohibited.

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

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

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

B. Approval Suspension/Revocation

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

This Approval may be suspended or revoked at any time by EPA once the Director determines that the continued operation of Cleanlites presents an unreasonable risk to human health or the environment.

C. Approval Compliance

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

This Approval is based on the facts, representations, and certifications made by Cleanlites in its Application dated March 2016 (incorporated herein by reference). In the event that these

Approval Conditions are inconsistent with the final approved Application, Cleanlites must abide by the Approval Conditions stated herein.

D. Severability

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

E. Approval Renewal

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

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

F. Approval Expiration

This Approval shall expire ten (10) years from the date of issuance of this Approval. This Approval and its conditions herein will remain in effect beyond the Approval expiration date if Cleanlites has submitted a timely, complete and adequate notice of intent to continue the Approval and, through no fault of Cleanlites, the Regional Administrator or his or her designee has not issued an Approval renewal.

G. Approval Modification

Cleanlites must notify EPA in writing of any intended modification of this Approval or Cleanlites' final approved Application. A "major modification" is defined as any change to the storage areas, the maximum PCB storage inventory, the closure plan, closure cost estimates, the financial plan for closure, or any other changes which affect overall performance or environmental impact. A major modification to this Approval or the final Application shall be modified only upon the written approval of the Regional Administrator or his or her designee.

A "minor modification" is defined as administrative and informational changes, correction to typographical errors, changes to conform to agency guidance or regulations, or any other change which does not affect overall performance or environmental impact. A minor modification to this Approval or the final Application shall be modified upon the written

concurrence of the Chief of the RCRA Branch of EPA Region 5.

H. Entry and Inspection

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

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

I. Change in Ownership

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

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

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

J. Inapplicability of Paperwork Reduction Act

Any and all information required to be maintained or submitted pursuant to this Approval is not subject to the Paperwork Reduction Act of 1980, 44 U.S.C. 3501 et seq., because it is

information collected by EPA from a specific individual or entity for the purpose of assuring compliance with this Approval.

DRAFT

II. GENERAL FACILITY CONDITIONS

A. Operation of Facility

Cleanlites must maintain and operate the facility to prevent fire, explosion, or releases of PCBs to air, soil, ground water or surface water.

B. Sampling/Analysis

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

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

C. Security

Cleanlites must maintain the chain-link fence around the rear of the building and ensure that the PCB storage unit is locked when not in use to restrict public access without an escort by Cleanlites personnel.

D. Personnel Training

1. All employees hired subsequent to the date of this Approval must be trained, as specified in the worker training program included in the Application under Appendix L, within the first 180 days of employment.
2. Cleanlites must ensure that personnel, who are directly involved with handling PCBs and PCB Items, are familiar with the requirements of this Approval, and the regulatory requirements under 40 C.F.R. Part 761.

E. Safety

Cleanlites must ensure compliance with the applicable health and safety standards, as required by Federal, State and local regulations and ordinances.

F. Spills

1. If in the course of operation, there is a spill or release of one pound or more of pure PCBs (a reportable quantity [RQ] as defined under the Comprehensive Environmental Response Compensation and Liability Act [CERCLA], 40 C.F.R. Part 302, Designation

Reportable Quantities and Notification) Cleanlites must notify the National Response Center at (800) 424-8802, and the EPA, Region 5, PCB Coordinator. Releases or spills of PCBs below the RQ which pose a potential for significant exposure to humans, animals, or the environment, must be reported to the EPA, Region 5, PCB Coordinator, or the Emergency Response Section at (312) 353-2318.

2. A written summary report about this incident must be submitted to EPA within five business days following the incident. When the EPA requests a detailed report on the incident, this report must be submitted to the EPA within 15 business days following the request. The detailed report must include, but not be limited to, a description of the spill, cleanup activities, and changes in the Cleanlites operations to prevent such spills in the future (including any intended modifications to this Approval).
3. Cleanup of PCB spills must begin immediately pursuant to 40 C.F.R. Part 761, Subpart G, PCB Spill Cleanup Policy, or 40 C.F.R. § 761.61, PCB Remediation Waste, as applicable. The cleanup standards in the PCB Spill Cleanup Policy may only be applied for spills of PCBs that are less than 72 hours old.
4. Any debris or solid wastes generated as a result of clean up or decontamination of a PCB spill or release must be disposed of in a facility approved to dispose of PCBs under 40 C.F.R. § 761.60 and/or 761.61, as applicable.

G. Location Standard

Cleanlites must notify the EPA, Region 5, PCB Coordinator immediately upon discovery that the site has been redesignated as being in a 100-year flood plain.

H. Emergency Procedures

Cleanlites must, without delay, implement the appropriate measures, as described in the Health and Safety Plan, Attachment 1 of the Closure Plan in the final approved Application, whenever there is a fire or any PCB related emergency which could threaten human health or the environment. This plan must be maintained at the facility and must also be submitted to the local police and fire departments, hospital and State and local emergency response teams. In such an emergency, Cleanlites must notify the EPA Region 5, PCB Coordinator, and the Emergency Response Section at (312) 353-2318.

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

I. Recordkeeping and Reporting

1. All reports and other information requested by EPA must be signed by the facility manager.
2. Cleanlites must maintain the records of daily storage inspections and routine sampling, as specified in Condition III, H and I of this Approval, and these records must be made available to EPA upon request.
3. Cleanlites must retain all records required by this Approval and the Federal PCB regulations at 40 C.F.R. Part 761 during the course of any unresolved enforcement action regarding the facility or upon request by the Regional Administrator or his or her designee, notwithstanding any other provision of this Approval or the Federal PCB regulations at 40 C.F.R. Part 761.
4. Cleanlites shall maintain records and submit annual reports to EPA as required by the PCB Regulations at 40 C.F.R. § 761.180(b). Annual document logs and reports shall be maintained at the facility for at least three (3) years after the facility is no longer used for the storage of PCBs and PCB Items.

J. Closure and Financial Requirements

1. Cleanlites must maintain a closure plan and financial assurance for closure, in accordance with 40 C.F.R. § 761.65(e), (f) and (g), respectively. The facility has filed with the Regional Administrator a closure plan and financial assurance for closure in compliance with the regulatory requirements.
2. When the Regional Administrator or his or her designee approves a modification to the facility's closure plan and that modification increases the cost of closure, Cleanlites must revise the closure cost estimate and the financial assurance mechanism, if applicable, no later than thirty (30) days after the modification is approved.
3. During the active life of the PCB storage operations, Cleanlites must annually adjust the closure cost estimate for inflation and for changes beyond control of Cleanlites which may affect disposal costs.
4. Cleanlites must submit proof of financial assurance for closure and update the closure cost estimate to adjust for inflation annually.
5. Cleanlites shall notify the EPA Regional Administrator in writing at least 60 days prior to the date on which closure of the PCB storage is expected to begin in accordance with 40 C.F.R. § 761.65(e)(6)(i). EPA may request a copy of a final closure plan from Cleanlites

at this time and may require modifications to the closure plan.

DRAFT

III. PCB STORAGE MANAGEMENT

A. Storage Area

All PCBs and PCB Items must be stored in the approved storage areas, as identified below in Condition III.C and on Figure 4, Cleanlites Facility Diagram, in the approved application.

B. Design Requirements of Storage Area

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

C. Maximum PCB Storage

1. PCB Storage Area:

At any given time, Cleanlites shall store no more than a combined total of 2,640 gallons of PCB Items and non-liquid PCBs in the PCB storage unit identified in the table below and in the approved Application. Non-liquid PCBs include protective clothing, absorbents, soil, rags etc. that may be generated as a result of a spill cleanup.

<u>PCB Storage Area</u>	<u>Type of Waste</u>	<u>Maximum PCB Containers/Articles</u>	<u>Maximum Volume</u>
PCB Storage Unit Located Outside the Northwest Corner of Facility Building	PCB Items (light ballasts), Non-Liquid PCBs	(48) 55-gallon drums of PCB Items and/or non-liquid PCBs	2,640 gallons
Total:			2,640 gallons

Cleanlites must maintain updated PCB inventories to ensure that the maximum PCB storage inventories, above, are not exceeded.

Drums stored on the top rack of the PCB Storage Unit must be placed on the spill containment pallets described in the final approved Application.

PCB Items means any PCB article, PCB article container, PCB container or PCB equipment, as each term is defined at 40 C.F.R. § 761.3.

2. Transfer/Transit Areas:

Cleanlites shall store PCB Items in vehicles in transportation related areas (such as a

roadway or parking area) at Cleanlites for no more than 10 days from the date of its receipt at Cleanlites.

3. PCB Items must be labeled with the date they were removed from service for disposal. Alternatively, containers in which the PCB Items are consolidated (i.e. 55-gallon drums) may be labeled by Cleanlites with the removal-from-service date provided the container is dated with the date the first contained item was removed from service. When containers are labeled in this manner, each individual PCB Item contained is considered to be covered by, and subject to, the date on the container.

D. Containers

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

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

E. Aisle Space Requirement

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

F. Pallet Use and Drum Layer Limit

Spill-containing pallets must be used to store PCB items in 55-gallon drums on the top rack of the PCB storage unit. These spill-containing pallets must meet the design specifications and containment volume as specified in the approved application. Pallets must not be stacked in the Storage Unit, and each pallet may only contain a maximum of 4 55-gallon drums.

G. Management of PCB Items

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

If any PCB container is defective, Cleanlites must immediately transfer the PCB items in the container to another container that is properly marked and structurally sound.

H. Inspection Requirement

1. All PCB items and PCB containers in the PCB storage areas, shipping/receiving areas, and transfer/transit areas must be inspected for leaks at least once each week. Any leaking PCB item and its contents must be transferred immediately to properly marked non-leaking containers. Leaked or spilled materials must be instantly and properly cleaned up in accordance with Condition II, F. 3 of this Approval, and the PCB contaminated materials must be adequately disposed of in accordance with 40 C.F.R. § 761.60 and/or 761.61, as applicable.
2. The integrity of the floor, joints, and built-in containment sump of the PCB Storage Unit must be inspected once each week.
3. The inspections conducted each week shall be recorded using the form in Appendix K of the approved application.

I. Routine Sampling Requirement

Cleanlites must monitor surface contamination outside the PCB storage area on a routine basis. The frequency for routine wipe sampling is once every 6 months. A minimum of 4 wipe samples must be collected: one from the break room, one from heavy equipment, and two from the floor of the PCB light ballast travel pathway through the facility.