

US EPA ARCHIVE DOCUMENT

yellow

JUN 27 2000

R-19J

Michael Dolkowski, President
Environmental Recycling
P.O. Box 167
527 East Woodland Circle
Bowling Green, Ohio 43402

Re: Commercial PCB Storage Approval

Dear Mr. Dolkowski:

We are issuing the enclosed document, entitled "Approval to Commercially Store Polychlorinated Biphenyls (PCBs)," to Environmental Recycling of Bowling Green, Ohio. We find that Environmental Recycling has completely and adequately satisfied the regulatory requirements specified in the Federal PCB regulations, 40 CFR Section 761.65, Storage for Disposal, authorized under the Toxic Substances Control Act (TSCA). This approval allows Environmental Recycling to commercially store PCB waste for disposal.

This approval is effective today and remains effective for ten (10) years. However, we may suspend or revoke this approval at any time, as specified in the approval conditions and/or when we have reason to believe that continuing the operation of this facility presents an unreasonable risk to human health or the environment. Failure of Environmental Recycling to meet any portion of this approval could result in civil and/or criminal penalties.

You and your company, Environmental Recycling, must comply with all applicable provisions of the TSCA and Federal PCB regulations.

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Furthermore, this approval does not relieve Environmental Recycling of the responsibility to comply with all other Federal, State and local regulations and ordinances for operation and maintenance of the facility.

Please contact Priscilla Fonseca, of my staff, at (312) 886-1334, if you have any questions regarding this matter.

Sincerely,

/s/ Original signed by
ROBERT SPRINGER
Francis X. Lyons
Regional Administrator

Enclosure

cc: Christopher Jones, Director (w/enclosure)
Ohio Environmental Protection Agency

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

IN THE MATTER OF:) APPROVAL TO COMMERCIALY
ENVIRONMENTAL RECYCLING) STORE POLYCHLORINATED
BOWLING GREEN, OHIO) BIPHENYLS (PCBs)

AUTHORITY

This approval is issued pursuant to Section 6(e)(1) of the Toxic Substances Control Act of 1976, Public Law No. 94-469, and the Federal PCB regulations, 40 CFR § 761.65(d).

BACKGROUND

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

The current rules for PCB storage facilities are codified at 40 CFR § 761.65, Storage for Disposal. Those rules require, among other things, that facilities which store PCB waste generated by others, in quantities greater than 500 gallons, obtain a U.S. EPA approval. The December 21, 1989, Federal Register designated the U.S. EPA Regional Administrator of the region in which the storage facility is located (or the Director, Chemical Management Division [CMD], if the commercial storage area is ancillary to a facility approved for disposal by the Director, CMD) as the approval authority for commercial PCB storage facilities.

Environmental Recycling operates as a commercial recycling facility. It provides complete packaging, transport and recycling services for fluorescent lights, mercury devices, electronic equipment, and batteries. It has a Hazardous Waste Hauler Permit under EPA I.D. Number OHR000034025. Environmental Recycling applied for an approval to commercially store PCB material, such as PCB containing oil in drums or contained in electrical equipment, for disposal.

On April 14, 1999, Environmental Recycling submitted a commercial PCB storage application to U.S. EPA. After a technical adequacy review of the application, the U.S. EPA sent a Notice of Deficiencies (NOD) on November 9, 1999, notifying Environmental Recycling of deficiencies in the application. In response to the NOD, the facility submitted a revised application on

January 5, 2000. After further technical review of the revised application and the subsequent information submitted in support of the application, the U.S. EPA has determined that the final revised application is in compliance with the regulatory requirements, outlined at 40 CFR § 761.65, Storage for Disposal.

APPLICABLE REGULATIONS

The conditions of this approval were developed in accordance with the applicable provisions of 40 CFR Part 761 and the October 18, 1989, TSCA Guidance Manual for Commercial PCB Storage Facility Applications.

APPROVAL

Approval is hereby granted to Environmental Recycling, 527 East Woodland Circle, Bowling Green, Ohio (EPA, ID # OHR 000 034 025), to commercially store PCBs and PCB items for disposal, subject to the Approval Conditions stated herein, and based on the information described in the final approved application.

This approval shall become effective on the date of signature and shall expire ten (10) years from the date of signature, unless revoked, suspended, or terminated in accordance with the Approval Conditions stated herein.

This approval does not relieve Environmental Recycling from compliance with all applicable Federal, State and local regulatory requirements, including the Federal PCB regulations at 40 CFR Part 761.

/s/ Original signed by
ROBERT SPRINGER

Francis X. Lyons
Regional Administrator

JUN 27 2000
Date

ENVIRONMENTAL RECYCLING
BOWLING GREEN, OHIO

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I. STANDARD CONDITIONS

A. Effect of Approval

1. Environmental Recycling may store PCBs and PCB items in accordance with these approval conditions and the Federal PCB regulations at 40 CFR Part 761. Any storage of PCBs and/or PCB items not authorized in this approval is prohibited.
2. 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 Emergency Recycling's employees, agents or contractors, any property damage, any invasion of other private rights or any infringement of State or local laws or regulations.
3. 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 CFR Part 761.
4. This approval does not relieve Environmental Recycling from compliance with all applicable Federal, State and local regulatory requirements, including the Federal PCB regulations at 40 CFR Part 761.

B. Approval Suspension/Revocation

1. Departure from these approval conditions, the approved application or approved modification(s) to this approval, or the Federal PCB regulations without a prior written approval by U.S. 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.
2. This approval may be suspended or revoked at any time by U.S. EPA when it has reason to believe that the continued operation of this facility presents an unreasonable risk to human health or the environment.

C. Approval Compliance

1. Environmental Recycling must comply with and operate in accordance with the provisions of the Federal PCB regulations at 40 CFR Part 761 and with the approval conditions stated herein.

2. These approval conditions are based on the facts, representations, and certifications made by Environmental Recycling in its approved, revised application dated January 5, 2000 and the subsequent information submitted in support of the application. In the event that these approval conditions are inconsistent with the approved application materials, Environmental Recycling 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 must not be affected thereby.

E Approval Renewal

1. To continue the commercial storage of PCB and PCB items granted by this approval after the expiration date of this approval, Environmental Recycling must notify U.S. 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.

2. The U.S. EPA may require Environmental Recycling to submit additional information in connection with the renewal of this approval. U.S. EPA will review the submitted information and determine if this approval is to be renewed.

F Approval Expiration

1. This approval to commercially store PCBs shall expire ten (10) years from the date of the Regional Administrator's issuance of this approval.

2. This approval and its conditions herein will remain in effect beyond the approval expiration date if Environmental Recycling has submitted a timely, complete and adequate notice of intent to continue the approval and, through no fault of Environmental Recycling, the Regional Administrator has not issued an approval renewal.

G. Approval Modification

1. Environmental Recycling must notify U.S. EPA in writing of any intended modification of this approval or Environmental Recycling's approved application.

2. A "major modification" is defined as any change to the storage areas, the maximum PCB storage inventory, the closure plan, or any other changes which

affect overall performance or environmental impact. A major modification to this approval or the final application shall be modified only upon the written approval of the Regional Administrator.

3. A "minor modification" is defined as administrative and informational changes, correction to typographical errors, changes to conform with 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 appropriate Division Director of U.S. EPA, Region 5.

H. Entry and Inspection

Environmental Recycling must allow U.S. EPA authorized representative(s) to, at reasonable times:

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

I. Change in Ownership

1. The U.S. 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:
 - a. The transferee demonstrates it has established financial assurance for closure of the facility pursuant to 40 CFR § 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.
 - b. The transferee submits a new and complete application for final storage approval including all of the elements listed in 40 CFR § 761.65(d).

c. The transferee submits a signed and notarized affidavit which states that the transferee shall comply with all the terms and conditions of this approval.

2. Failure by Environmental Recycling 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 U.S. EPA from a specific individual or entity for the purpose of assuring compliance with this approval.

II. GENERAL FACILITY CONDITIONS

A. Operation of Facility

Environmental Recycling 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

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

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

C. Security

The PCB storage facility must be secured to restrict public access.

D. Personnel Training

1. Environmental Recycling must ensure through documented training, 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 CFR Part 761.

2. Training for new employees involved with managing PCBs shall be completed within 30 days of employment.

E. Health and Safety

1. Environmental Recycling employees working in the PCB commercial storage area shall wear or use protective clothing or equipment to protect against dermal contact or inhalation of PCBs or materials containing PCBs, as described in Section C-2 of the approved application.

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

F. Spills

1. If in the course of operation, there is a spill or release of one pound or more of pure PCBs (a reportable quantity [RQ] as defined under the Comprehensive Environmental Response Compensation and Liability Act, 40 CFR Part 302, Designation Reportable Quantities and Notification) the permittee must notify the National Response Center at (800) 424-8802, and U.S. EPA, Regional Office, Toxics Program Section, at (312) 886-6003. 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 U.S. EPA Regional Office, Toxics Program Section, (312) 886-6003, or the Emergency Response Section at (312) 353-2318.

2. A written summary report about this incident must be submitted to U.S. EPA within five (5) business days following the incident. When the U.S. EPA requests a detailed report on the incident, this report must be submitted to the U.S. EPA within fifteen (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 Environmental Recycling operations to prevent such spills in the future.

3. Cleanup of PCB spills must begin immediately pursuant to 40 CFR Part 761, Subpart G, PCB Spill Cleanup Policy, or 40 CFR Section 761.61, PCB Remediation Waste, as applicable.

4. Any debris or solid wastes generated as a result of cleanup or decontamination of a PCB spill or release must be disposed of in a facility approved to dispose of PCBs under 40 CFR Section 761.60 and/or 761.61, as applicable.

G. Location Standard

Environmental Recycling must notify the U.S. EPA Regional Office, Toxics Program Section at (312) 886-6003, immediately upon discovery that the site has been re-designated as being in a 100-year flood plain.

H. Emergency Procedures

1. Environmental Recycling must, without delay, implement the appropriate measures described in the Spill Prevention Control and Countermeasure Plan and Contingency Plan included in the approved application whenever there is a fire or any PCB related emergency which could threaten human health or the environment.

2. 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, Environmental Recycling must notify the U.S. EPA Region 5, Toxics Program Section at (312) 886-6003, or the Emergency Response Section at (312) 353-2318. This plan must be immediately amended by Environmental Recycling upon any revision of the facility approval, plan failure in an emergency, change of emergency equipment, or any change within the facility or with personnel, and promptly submitted to the U.S. EPA, Region 5, Toxics Program Section for review and approval.

I. Recordkeeping and Reporting

1. All reports and other information requested by U.S. EPA must be signed by the facility manager.
2. Environmental Recycling must maintain the records of daily storage inspection and routine sampling requirement, as specified in Condition III, H and I of this approval, and these records must be made available to U.S. EPA upon request.
3. Environmental Recycling must retain all records required by this approval or the Federal PCB regulations at 40 CFR Part 761 during the course of any unresolved enforcement action regarding the facility or upon request by the Regional Administrator, notwithstanding any other provision of this approval or the Federal PCB regulations at 40 CFR Part 761.

J. Closure and Financial Requirements

1. Environmental Recycling must maintain a closure plan and financial assurance for closure, in accordance with 40 CFR Section 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 approves a modification to the facility's closure plan and that modification increases the cost of closure, Environmental Recycling 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, Environmental Recycling must annually adjust the closure cost estimate for inflation and for changes beyond control of Environmental Recycling which may effect disposal costs.

III. PCB STORAGE MANAGEMENT

A. Approved Storage Area

1. The approved PCB storage area is the combined total 1350 square foot, curbed and lined area of the Environmental Recycling facility as specified in the final approved application
2. All PCB Containers, PCB Article/Equipment Containers and PCB transformers, PCB capacitors and other PCB electrical equipment must be stored in the approved storage area, as identified below in Condition III.C.

B. Design Requirements of Storage Area

The PCB storage area must be maintained in accordance with the requirements at 40 CFR Section 761.65(b)(1), and as specified in the final approved application.

C. Maximum PCB Storage

1. At any given time, Environmental Recycling shall store no more than a combined total of 4,900 gallons of liquid and non-liquid PCBs in the curbed storage area.
2. PCB liquid in the following table includes the equivalent volume of PCB liquid in non-leaking electrical equipment or PCB liquid (oil, solvents) or PCB contaminated water stored in drums for disposal.
3. PCB article container in the following table includes ballasts, capacitors or solid debris stored in containers for disposal.
4. The maximum inventory of each of the PCB items approved for storage in the storage area is as follows:

<u>PCB Waste</u>	<u>Container/Articles</u>	<u>Maximum Volume</u>
<u>PCB Article Container</u> (Ballast/capacitors/solid debris)	55-gallon drums	4400 gallons
<u>PCB liquid</u> (PCB liquids, PCB liquids in non-leaking electrical equipment, PCB contaminated wastewater)	55-gallon drums or equivalent	500 gallons

		Total = 4,900 gallons

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

D. Containers

1. PCB containers used by Environmental Recycling for storage of liquid PCBs and non-liquid PCBs must be no greater than 55-gallon containers, except that Environmental Recycling may use 85 gallon over-pack containers to store leaking containers and articles. All containers must be in compliance with the requirements of 40 CFR Section 761.65(c)(6) or the Department of Transportation Hazardous Materials Regulations at 49 CFR Parts 171-180.

2. All PCB containers must be marked in the storage area, so that the required information on the labels are clearly and entirely visible at all times.

E. Aisle Space Requirement

Aisle space within the storage area 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

1. Non-leaking capacitors and PCB Items stored in drums can only be placed on pallets in a single layer.

2. Non-leaking transformers can be stored on pallets in a single layer or on the diked floor area.

3. Environmental Recycling must not stack PCB Items or pallets with PCB items.

G. Management of PCB Items

1. PCB containers and PCB articles 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 or cause the container to leak.

2. If any PCB container or PCB article is defective, Environmental Recycling must immediately transfer the PCB waste in the container or the PCB article to a container that is properly marked and structurally sound.

H. Inspection Requirement

1. All PCB articles and PCB containers must be inspected for leaks at least once each working day. 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 CFR Section 761.60 and/or 761.61, as applicable.

2. The integrity of the floor and continuous curbing of the PCB storage area must be inspected once each working day.

I. Routine Sampling Requirement

Environmental Recycling must maintain the housekeeping and operation practices described in section C-3 of the final approved application, including the sampling plan for monitoring surface contamination outside of the curbed/diked storage area. The frequency for routine wipe sampling must be once every three months.

The first part of the report deals with the general conditions of the country and the progress of the work during the year. It is followed by a detailed account of the various expeditions and the results obtained. The report concludes with a summary of the work done and the prospects for the future.

REPORT ON THE PROGRESS OF THE WORK DURING THE YEAR 1911-12

GENERAL STATEMENT

The work of the expedition during the year 1911-12 has been characterized by a number of important discoveries and a large amount of valuable material has been collected. The progress of the work has been hindered by a number of difficulties, but the results obtained are of great importance and interest.



**Waste, Pesticides and Toxics Division
CORRESPONDENCE FOR RA'S SIGNATURE**

Type of Document: PCB Commercial Storage Approval

Name of Document: Approval to Commercially Store PCBs

Document # _____

Originator/Phone: P. Fenuca 6-1334

NOTE: Originator and first level supervisor are responsible for assuring that documents are in plain language. All other reviewers should consider plain language in their reviews. See the plain language checklist on the reverse side of this sheet.

Date	Name	Secretary/Chief Initials
6/16/00	Author <u>P. Fenuca</u>	
6/22/00	John Connell, Chief, TPS	<u>JC</u>
6/22/00	Phyllis A. Reed, Chief, PTB	<u>for DP</u>
6/23/00	Other	<u>NI w/corrections</u>
6/26/00	Robert Springer, Director	<u>RS</u>
	IL/MI State Coordinator	
	IN/MN State Coordinator	
6/27/00	OH/WI State Coordinator ✓	<u>[Signature]</u>
	Congressional/Intergovernmental	
	Relation Officer (AL/ORAC)	
	David Ullrich Deputy RA	
	Francis X. Lyons	

Return for Mailing _____
(attach official file copy/return w/originator's Copy)

Correction Required _____

REMARKS/COMMENTS _____

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Plain Language Checklist

Write in the active voice. When you use the active voice, the subject of the sentence acts: "EPA issued the permit to X." When you use the passive voice, the subject of the sentence is acted upon: "The permit was issued to X." If you can ask "By whom?" or "By what?" after the verb, the verb is in the passive voice. A passive verb has a form of the verb "to be" (am, is, are, was, were, be, being, been) plus a main verb usually ending in "en" or "ed."

Use action verbs. Use base verbs instead of nouns derived from verbs.

Don't Say

Say

Don't Say	Say		
		is applicable to	applies to
make payment	pay	give consideration to	consider
take action	act		

Use personal pronouns to represent the reader and to refer to EPA. For example, "The United States Environmental Protection Agency is issuing an order to X (you). We are requiring you..."

Write short sentences to aid comprehension. Put one main thought in most sentences. Divide a long sentence into two or three short sentences. Remove all unnecessary words. If there are several conditions or subordinate provisions, make a list.

Omit surplus words and redundancies. Question the need for ~~each and every~~ word.

Don't Say

Say

Don't Say	Say	
Redundancies	for the period of	for
true and correct	in order to	to
cease and desist	in the event that	if
order and direct		

Place words carefully to reduce ambiguity. Keep subjects and objects close to verbs. Put modifying phrases and words such as "only" and "always" next to the word they modify. She *only* said that he hired her. She said that *only* he hired her. She said that he hired *only* her.

Be consistent. Don't use different words to refer to the same thing (car, vehicle, automobile).

Limit your use of abbreviations, acronyms, and capital letters. Use abbreviations and acronyms to refer only to terms that are central to the document. Do not abbreviate terms that you use only a few times. Use capital letters to begin sentences and for proper names and for headings. You should reconsider all other uses.

Visit the government's plain language wet site at www.plainlanguage.gov.

Office of the
REGIONAL ADMINISTRATOR



CORRESPONDENCE FOR RA'S SIGNATURE

Type of Document: Letter

Name of Document: PCB COMMERCIAL STORAGE APPROVAL, APPROVAL TO STORE PCBs

Date Rec'd in ORA: 06/26/2000 From: WPTD

Contact Name: P. FONSECA Phone: 6-1334

<u>DATE</u>	<u>NAME</u>	<u>INITIALS</u>
<u>6/27/00</u>	IN/MN State Coordinator	<u>[Signature]</u>
<u>6/27/00</u>	Francis X. Lyons (Regional Administrator)	<u>RS for FXL</u>
<u> </u>	David A. Ullrich (Deputy Regional Administrator)	<u> </u>

Correction Required? Yes No

Remarks:

Pls provide us with a copy of letter for RA's Read file
Sherry Davis

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