

US EPA ARCHIVE DOCUMENT

**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 5**

In The Matter of:)	Approval to Commercially Store
)	Polychlorinated Biphenyls (PCBs)
Michigan Disposal Waste Treatment Plant)	Pursuant to 40 C.F.R. 761.65(d)
49350 North I-94 Service Drive)	
Belleville, Michigan 48111)	
MID000724831)	
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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 Code of Federal Regulations (C.F.R.) part 761 (Polychlorinated Biphenyls (PCBs) Manufacturing, Processing, Distribution in Commerce, and Use Prohibitions (PCB Regulation)).

EPA Headquarters Delegation 12-5 authorizes the re-delegation of approval authority for PCB storage facilities from Regional Administrators to Regional Division Directors. Under EPA, Region 5 Delegation 12-5, dated July 15, 2014, the approval authority for PCB storage approvals was delegated from the Regional Administrator to the Director, Land and Chemicals Division (LCD), EPA, Region 5.

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).

Michigan Disposal Waste Treatment Plant (MDWTP), also known as Michigan Disposal Inc., is a Michigan Corporation. MDWTP owns and operates a permitted hazardous waste storage and treatment facility operating under a Resource Conservation and Recovery Act (RCRA) permit issued by the Michigan Department of Environmental Quality (MDEQ). MDWTP receives solid and liquid hazardous and non-hazardous waste for storage and treatment. RCRA characteristic and listed hazardous wastes are received at the facility. Treatment conducted at MDWTP includes stabilization, chemical oxidation, chemical reduction, and microencapsulation. Under

the RCRA permit, MDWTP may treat up to 576,000 gallons of waste per day; store up to 649,880 gallons of waste in tanks; and store up to 264,000 gallons of waste in containers. Adjacent to MDWTP is the Wayne Disposal, Inc. (WDI) facility which is both a hazardous waste and chemical waste landfill permitted by MDEQ and EPA. As a chemical waste landfill, the WDI facility is permitted to accept PCB waste for disposal. The WDI facility property surrounds the MDWTP facility property.

MDWTP submitted a commercial PCB storage approval application (application) to the EPA on August 16, 2013. The EPA submitted comments on the application to MDWTP on December 10, 2014. MDWTP responded to the comments on February 25, 2015. In November 2015, MDWTP requested the EPA's interpretation of the TSCA regulations regarding the need for an approval to treat RCRA hazardous waste that also contain TSCA-regulated PCBs. EPA's Office of General Council (OGC) concluded in 2016 that an approval would be needed in accordance with § 761.20(c)(2)(ii). In January 2017, EPA sent a notice of deficiency (NOD) letter to MDWTP regarding the PCB Commercial Storage Permit Application. MDWTP submitted a response to the NOD letter in March 2017 and submitted their final application on June 28, 2017. It is the June 28, 2017 application from MDWTP that 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 parts per million (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* § 761.3 and § 761.65(d). On July 28, 2014, this authority of the Regional Administrator was delegated to the Director, Land and Chemicals Division, EPA Region 5.

The rules applicable to the treatment of PCB waste are codified at § 761.20 (Prohibitions and exceptions). § 761.20(c)(2)(ii) requires a TSCA PCB disposal approval for processing activities which are primarily associated with and facilitate treatment as defined in § 260.10. Stabilization, microencapsulation, solidification, and addition of reagents to improve the physical waste properties meet the definition of treatment as defined in § 260.10. Further, § 761.65(d)(4)(iv) allows for an approval of a commercial storer to include other conditions deemed necessary to ensure that the operations of the PCB storage facility will not pose an unreasonable risk of injury to health or the environment. The treatment of PCB remediation waste is to be included as part of this storage approval.

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 MDWTP Application, and any subsequent EPA approved written modifications thereto.

"Application" and "MDWTP Application" mean all data and materials upon which the EPA based its decision to approve MDWTP’s PCB commercial storage areas and treatment activities. This includes MDWTP’s June 28, 2017 updated application, and any subsequent MDWTP application that EPA approves in writing as a modification to this Approval.

“Closure” means the cessation of the use of a subject facility, and activities undertaken to secure the facility and control, minimize or eliminate the threat to human health and the environment from the facility. General closure requirements for PCB commercial storage facilities are set forth in the TSCA regulations at § 761.65(e).

“Closure Plan” means written plan for achieving proper closure of a subject facility. The closure plan identifies the steps that the owner or operator of the facility shall take to close the PCB wastes storage facility in a manner that eliminates the potential for post-closure releases of PCBs which may present an unreasonable risk to human health or the environment. Closure plan requirements for PCB commercial storage facilities are set forth in the TSCA regulations at § 761.65(e).

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

“Dilution” means the avoidance of TSCA requirements and the Conditions of this Approval by combining non-TSCA regulated material with TSCA regulated material so that the mixture becomes deregulated.

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

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

“Financial Assurance” means the instrument used by the facility to demonstrate financial responsibility for closure. The specific mechanism filed with EPA and MDEQ for financial assurance for RCRA and TSCA closure is a Surety Bond. A Standby Trust was also filed with EPA.

“Major Modification” means any change to the storage areas, 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. Annual updates to the closure cost estimate for inflation are not considered a modification to the approval.

“MDWTP” means Michigan Disposal Waste Treatment Plant, also known as Michigan Disposal Inc., a Michigan corporation, is the company which operates a PCB waste commercial storage facility located at 49350 North I-94 Service Drive, Belleville, Michigan, and which is approved to commercially store PCB waste under this Approval.

"MDWTP Facility" and "Facility" mean the PCB waste commercial storage facility located at 49350 North I-94 Service Drive, Belleville, Michigan.

“Minor Modification” means administrative and informational changes, correction to typographical errors, changes to conform with agency guidance or regulations, or any other change which does not affect the overall performance or environmental impact.

“Owner” and “Operator” mean Michigan Disposal Waste Treatment Plant, also known as Michigan Disposal Inc., 49350 North I-94 Service Drive, Belleville, Michigan, 48111, which operates the PCB storage facility.

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

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

“Reportable Quantity,” also known as “RQ,” means a spill or release of one pound or more of PCBs and is the spill quantity at which the National Response Center must be notified immediately at 1-800-424-8802. See Condition II.F.1. of the approval.

“Spill” and “Release” mean both intentional and unintentional spills, leaks, and other uncontrolled discharges where the release results in any quantity of PCBs running off or about to run off the external surface of the equipment or other PCB source, as well as the contamination resulting from those releases. A spill or release of PCBs applies to spills of 50 ppm or greater PCBs. The concentration of PCBs spilled is determined by the PCB concentration in the material spilled as opposed to the concentration of PCBs in the material onto which the PCBs were spilled. Where a spill of untested mineral oil occurs, the oil is presumed to contain greater than 50 ppm, but less than 500 ppm PCBs.

APPROVAL

MDWTP submitted an application to EPA to commercially store and treat PCBs and PCB Items for disposal at the MDWTP Facility, 49350 North I-94 Service Drive, Belleville, Michigan, latitude North 42°13' 20" and longitude West 83° 31' 15". Upon review of the MDWTP Application received June 28, 2017, EPA has determined that all the requirements set forth in 40 C.F.R. 761.65(d) have been met. Specifically, the Application indicates that MDWTP operations, storage facility, employee qualifications, and financial plans for closure satisfy such requirements. EPA approves the MDWTP Application to commercially store and treat PCBs and PCB Items for disposal at the MDWTP Facility.

Any and all information submitted prior to issuance of 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 issuing this Approval.

This Approval shall become effective the date the Regional Administrator or their delegate, acting on MDWTP's June 28, 2017 application, signs it and shall expire 10 years from such date, unless suspended, revoked or terminated in accordance with the Approval provisions, or otherwise authorized under applicable law.

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

Date: _____

Michael D. Harris
Acting Division Director
Land and Chemicals Division
U.S. Environmental Protection Agency
Region 5

Michigan Disposal Waste Treatment Plant
Belleville, Michigan

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I. STANDARD CONDITIONS

A. Effect of Approval

MDWTP may store and treat 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 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 MDWTP 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 MDWTP 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

Revocation/suspension and/or enforcement action may result for violations of any conditions of the Approval. Also, EPA PCB rulemaking or guidance could result in additional conditions or 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 or the commencement of proceedings to revoke this Approval or any other appropriate enforcement actions 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 MDWTP presents an unreasonable risk to human health or the environment.

C. Approval Compliance

MDWTP 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 MDWTP in its Application (incorporated herein by reference). In the event that these Approval Conditions are inconsistent with the final approved Application, MDWTP 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, MDWTP 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 written notice shall consist of a signed letter from a representative of MDWTP to the EPA Regional Administrator or their delegate stating MDWTP's intent to continue the PCB Commercial Storage Approval. The written notice shall include the facility's name, address, and EPA ID number.

Once the written notice of intent to continue the approval is received, the EPA may require MDWTP 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 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 MDWTP has submitted a timely, complete and adequate notice of intent to continue the Approval and, through no fault of MDWTP, the Regional Administrator or his or her designee has not issued an Approval renewal.

G. Approval Modification

MDWTP must notify EPA in writing of any intended modification of this Approval or MDWTP's 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, change to type of treatment performed, 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. Annual updates to the closure cost estimate for inflation are not considered a modification to the approval.

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 (RCRA Branch Chief).

H. Entry and Inspection

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

1. Inspect MDWTP'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 MDWTP's activities relative to this Approval or the federal PCB regulations.

I. Change in Ownership

This Approval may be transferred to a new owner or operator only after submittal of a new or amended application to and written approval by the RCRA Branch Chief. The date of transfer of this Approval shall be the date the RCRA Branch Chief provides written approval of the transfer. The RCRA Branch Chief will provide a final written decision within 90 days of receipt of the complete new or amended application. The RCRA Branch Chief will approve the transfer if the following conditions are met:

1. The transferee demonstrates it has established financial assurance for closure of the facility pursuant to § 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 § 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.
4. Failure by MDWTP or the transferee to comply with any of the provisions of this condition shall render this Approval null and void.

In addition, MDWTP must notify EPA within 30 days of filing for bankruptcy.

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.

K. Reservations

Nothing in this Approval relieves MDWTP from the duty to comply with all applicable federal and State laws and regulations, including, but not limited to CERCLA, RCRA and TSCA and the regulations promulgated under those statutes.

Violation of the Approval, TSCA or the PCB regulations may subject MDWTP to civil or criminal enforcement action and associated penalties.

EPA reserves the right to impose additional Conditions of Approval if EPA finds such Conditions are necessary to ensure that operation of PCB commercial storage facility does not present an unreasonable risk of injury to health or the environment from PCBs, or if EPA issues new regulations or standards for TSCA PCB storage facilities.

EPA may require the removal of some or all of the PCBs stored at the MDWTP facility if EPA finds such actions are necessary to ensure that the storage facility does not present an unreasonable risk of injury to health or the environment from PCBs.

MDWTP is responsible for the actions of its agents, assigns, employees, and contractors regarding compliance with this Approval and all federal, State and local regulations applicable to operation of the storage facility, including, but not limited to, emergency notification and reporting requirements.

II. GENERAL FACILITY CONDITIONS

A. Operation of Facility

MDWTP 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 MDWTP facility, MDWTP must follow the procedures described in 40 C.F.R. 761 Subparts N, O, and/or P; the EPA Field Manual for Grid Sampling of PCB Spill Sites to Verify Cleanup; or its Waste Analysis Plan, as applicable. If MDWTP would like to perform an alternate sampling procedure, an application may be submitted to EPA in accordance with §761.79(h), alternative decontamination or sampling approval, or in accordance with §761.61(c), risk-based disposal approval, as applicable.

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

C. Security

MDWTP must maintain the fencing surrounding the facility and secure the facility to restrict public access.

D. Personnel Training

1. All MDWTP employees who are directly involved with handling PCBs and PCB Items and hired subsequent to the date of this Approval must be trained, as specified in MDWTP's personnel training program, within the first 180 days of employment.
2. MDWTP 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

MDWTP must comply with their facility Health and Safety Programs.

MDWTP 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), MDWTP must notify the National Response Center at (800) 424-8802, and EPA, Region 5, PCB Coordinator. This notification is required for a release of PCBs greater than or equal to the RQ for both on-site and off-site releases to the environment (land, air, water) but does not include a release which results in exposure to persons solely within a workplace. Releases or spills of PCBs below the RQ which directly contaminate surface water, sewers, drinking water supplies, grazing lands, or vegetable gardens must be reported to 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 EPA requests a detailed report on the incident, this report must be submitted to EPA within 15 business days following the request. The detailed report must include, but not be limited to, a description of the spill, cleanup activities, and changes in the MDWTP 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 or 761.61, as applicable.

G. Location Standard

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

H. Emergency Procedures

1. Whenever there is an imminent or actual release of PCBs to air, soil, or surface water or an incident that results or may result in injury to health or the environment (“emergency incident”), for example from fire, spill, or explosion, MDWTP shall immediately:

- a. Activate internal facility alarms or communication systems, where applicable, to notify all facility personnel; and
 - b. Notify appropriate Federal, State and/or local emergency response entities (e.g., fire departments) if their help is needed.
 2. Immediately after initial response actions have been taken to ensure the protection of human health and the environment, MDWTP must notify the EPA Region 5, PCB Coordinator, and the Emergency Response Section at (312) 353-2318. The notification must include:
 - a. Name and telephone number of reporter;
 - b. Name and address of facility;
 - c. Time and type of emergency incident (e.g., release, fire);
 - d. Name and quantity of material(s) involved, to the extent known;
 - e. The extent of injuries, if any; and
 - f. The possible hazards to human health, or the environment, outside the facility.
 3. Immediately after the emergency incident, MDWTP shall take all reasonable measures necessary to ensure that the emergency incident does not recur including changes to emergency plans, change of emergency equipment, and change within the facility.
 4. The local police and fire departments, hospital and state and local emergency response teams must be informed of facility operations and emergency response plans must be submitted to these entities as required by them.
- I. Recordkeeping and Reporting
1. All reports and other information requested by EPA must be signed by the facility manager or authorized designee.
 2. MDWTP must maintain the records of 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. MDWTP 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. MDWTP 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 3 years after the facility is no longer used for the storage of PCBs and PCB Items.

J. Closure and Financial Requirements

1. MDWTP must maintain a closure plan, closure cost estimate, and financial assurance for closure, in accordance with § 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. Modifications to the closure plan may be requested if EPA finds such conditions are necessary to ensure that closure of the PCB commercial storage facility does not present an unreasonable risk of injury to health or the environment from PCBs, or if EPA issues new regulations or standards for TSCA PCB storage facilities.
3. 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, MDWTP must revise the closure cost estimate and the financial assurance mechanism, if applicable, no later than 30 days after the modification is approved.
4. During the active life of the PCB storage operations, MDWTP must annually adjust the closure cost estimate for inflation and for changes beyond control of MDWTP which may affect disposal costs.
5. MDWTP must submit proof of financial assurance for closure to EPA annually. If EPA determines that the amount of financial assurance is inadequate to ensure that the storage of PCBs and PCB Items does not present an unreasonable risk of injury to health or the environment from PCBs, MDWTP must obtain additional financial assurance funding. Failure to do so will result in termination of MDWTP's authority to commercially store PCBs and may subject MDWTP to civil or criminal penalties under TSCA.
6. MDWTP shall notify the EPA Regional Administrator, care of the PCB Regional Coordinator, in writing at least 60 days prior to the date on which closure of the PCB storage facility is expected to begin in accordance with § 761.65(e)(6)(i). EPA may request a copy of a final closure plan from MDWTP at this time and may require modifications to the closure plan.

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 3 of the approved application.

B. Design Requirements of Storage Area

MDWTP's facility shall meet the following storage criteria in accordance with § 761.65(b)(1):

1. Adequate roof and walls to prevent rain water from reaching the stored PCBs and PCB Items.
2. Adequate floor and curbing, or equivalent, must provide a containment volume equal to at least two times the internal volume of the largest PCB Article or PCB Container or 25 % of the total internal volume of all PCB Articles or PCB Containers stored at the facility, whichever is greater.
3. No drain valves, floor drains, expansion joints, sewer lines, or other openings that would permit liquids to flow from the PCB storage area.
4. Floors and curbing constructed of Portland cement, concrete, or a continuous, smooth, non-porous surface (as defined in § 761.3), which prevents or minimizes the penetration of PCBs.
5. Not located at a site that is below the 100-year flood water elevation.

C. Maximum PCB Storage

1. PCB Storage Areas:

At any given time, MDWTP shall store no more than a combined total of 431,340 gallons of PCBs and PCB Items in the PCB storage areas identified in the table below and in the approved application. The maximum inventory of the PCBs and PCB Items approved for storage in each of the storage areas are included in the table below.

<u>PCB Storage Area</u>	<u>Type of Waste</u>	<u>Maximum PCB Containers/Articles</u>	<u>Maximum Volume</u>
North Container Storage Area	Liquid PCBs, Solid PCBs, Solid PCBs with free liquids, and PCB Items	---	41,460 gallons
West Waste Treatment Building	Solid PCBs, Solid PCBs with free liquids, and PCB Items	4 Treatment Tanks: Tank A – 53,881 gallons Tank B – 53,881 gallons Tank C – 43,589 gallons Tank D – 43,589 gallons	194,940 gallons
East Waste Treatment Building	Solid PCBs, Solid PCBs with free liquids, and PCB Items	4 Treatment Tanks: Tank E – 43,589 gallons Tank F – 43,589 gallons Tank G – 53,881 gallons Tank H – 53,881 gallons	194,940 gallons
Total:			431,340 gallons

MDWTP must maintain the PCB storage areas to ensure that any cracks or wearing of concrete sealants are repaired as needed.

2. Transfer/Transit Areas:

MDWTP shall store PCBs and PCB Items in vehicles, including trailers with or without a power unit, in transportation related areas (such as a roadway or parking area) at MDWTP for no more than 10 days from the date of its receipt at MDWTP.

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 (e.g. 55-gallon drums) may be labeled by MDWTP 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

The PCB containers stored in North Container Storage Area must be in compliance with the requirements of § 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 in compliance with the requirements of § 761.40 and § 761.45 so that the required information on the marks, including dates removed from service for disposal, are clearly and entirely visible at all times.

E. Aisle Space Requirement

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

F. Pallet Use and Drum Layer Limit

Pallets may be used to store PCB Items, including PCB containers, in the PCB storage areas. If any PCB containers are placed on a pallet, they shall be completely within the pallet edges.

MDWTP may stack pallets of 55-gallon drums containing liquid or non-liquid PCBs. If 55-gallon drums containing PCBs are stacked, MDWTP shall not stack pallets of drums over three layers. If PCB 55-gallon drums are stacked three layers high, the containers of each layer must be secured by banding them together. In addition, a pallet shall be used beneath each layer of 55-gallon drums, a maximum of four 55-gallon drums will be stored on a pallet, the bottom pallet shall always contain four 55-gallon drums before the second level of drums and pallet are added to provide a stable base. Other sized drums and containers may be stacked if the container tops are stable enough for stacking, containers are of the same size, and the maximum number of containers that can fit within the pallet edges are placed on the pallet before adding another pallet layer.

G. Management of PCB Items

PCB Items and PCB containers at MDWTP must always be closed during storage, except when adding and removing their contents (including during sampling and visual inspection), and they must not be opened, handled or stored in a manner which may damage them or cause them to leak.

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

H. Inspection Requirement

All PCB Items and PCB containers in the PCB storage areas, shipping/receiving areas, and transfer/transit areas must be inspected for leaks once every 30 days or less in accordance with § 761.65(c)(5). 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 § 761.60 and/or 761.61, as applicable.

The integrity of the floor of the PCB storage areas must be inspected once each month.

The inspections conducted shall be recorded.

I. Routine Sampling Requirement

MDWTP must implement a sampling plan for monitoring surface contamination outside of the storage area. A minimum of five wipe samples must be collected and at least two wipe samples shall be collected from office and employee break areas. Wipe samples shall be collected using the procedures for a standard wipe test as defined in § 761.123 and the wipe samples shall be analyzed for PCBs. The timeframe for routine wipe sampling shall be once every three months. If PCBs are detected on the wipe sample, MDWTP shall follow the requirements of the Spill Cleanup Policy (Subpart G of 40 C.F.R. Part 761) or the Decontamination Standards and Procedures (§761.79), as appropriate.

IV. TREATMENT CONDITIONS

A. Description of Treatment

1. The types of treatment covered under this approval are described in Section 2 of the application and include:
 - a. Stabilization, microencapsulation, chemical reduction, or chemical oxidation to meet RCRA disposal requirements for RCRA characteristic or listed hazardous wastes;
 - b. Addition of reagents to improve physical properties to facilitate land disposal; and
 - c. Solidification which is defined as the addition of reagents to a waste with mechanical mixing for the purpose of reducing free liquid content in the waste.
2. The treatments listed in Conditions IV.A.1 shall only occur in the East Waste Treatment Building or the West Waste Treatment Building.
3. All conditions of MDWTP's most recent RCRA permit approved by MDEQ (Hazardous Waste Management Facility Operating License) must be followed when treating wastes that contain PCBs.

B. Type of Waste to be Treated

Only solid PCBs, solid PCBs with free liquids, and PCB Items may be treated under this Approval and as described in Section 2 of MDWTP's application.

C. Decontamination of Treatment Equipment

If a batch is removed from a treatment tank that has previously been used for the treatment of either bulk PCB remediation waste with ≥ 50 ppm PCBs or TSCA-regulated PCB waste (other than bulk PCB remediation waste) and the treatment tank has not been decontaminated in accordance with this section, then the batch shall be regulated, stored, and disposed of in accordance with the PCB regulations applicable to the bulk PCB remediation waste (≥ 50 ppm PCBs) or the TSCA-regulated PCB waste that was previously treated in the tank until any of the following occurs:

- (1) the treatment tank has been decontaminated in accordance with §761.79, which includes cleaning to the visual standard in §761.79(b)(3)(i)(B); or

- (2) in lieu of decontamination under (1), the treatment tank has been used to process three batches of non-TSCA regulated wastes (which may include bulk PCB remediation waste with < 50 ppm PCBs) and/or reagent. The three batches shall be regulated, stored, and disposed of in accordance with the PCB regulations applicable to the bulk PCB remediation waste (≥ 50 ppm PCBs) or the TSCA-regulated PCB waste that was previously treated in the tank. Each of the three batches shall come up to at least the level in the treatment tank as the largest bulk PCB remediation waste (≥ 50 ppm PCBs) or the TSCA-regulated PCB waste batch that was previously treated in the tank and each batch shall be completely removed from the tank. Records shall be maintained to document compliance with this condition.

Any batch removed from a treatment tank that has been decontaminated using either of the above methods shall be considered non-TSCA regulated waste until such time that the tank is again used for the treatment of either bulk PCB remediation waste with ≥ 50 ppm PCBs or TSCA-regulated PCB waste (other than bulk PCB remediation waste).

D. Restrictions

1. Per § 761.65(d)(4)(iv), these treatment conditions are deemed necessary by EPA to ensure that the operations of this PCB storage facility will not pose an unreasonable risk of injury to health or the environment.
2. In accordance with § 761.50(a)(2), MDWTP may not process liquid PCBs into non-liquid forms to circumvent the high temperature incineration requirements of § 761.60(a).
3. In accordance with § 761.1(b)(4)(iv), when disposing of multiphasic non-liquid/liquid or liquid/liquid mixtures, MDWTP must use the PCB disposal requirements that apply to the individual phase with the highest PCB concentration except where otherwise noted in the PCB regulations. Alternatively, phases may be separated and disposed of using the PCB disposal requirements that apply to each separated, single-phase material.
4. In accordance with § 761.1(b)(5), no person may avoid any provision in 40 C.F.R. Part 761 specifying a PCB concentration by diluting the PCBs, unless otherwise specifically provided in the regulations.