

**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
 REGION 5
 77 West Jackson Blvd.
 Chicago, Illinois 60604**

In The Matter Of:)
)
 Drug & Laboratory Disposal, Inc.)
 331 Broad Street) Approval to Commercially
 Plainwell, Michigan 49080) Store Polychlorinated Biphenyl Waste
 EPA ID # MID092947928)

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 (“CFR”) Part 761, “Polychlorinated Biphenyls (PCBs) Manufacturing, Processing, Distribution in Commerce, and Use Prohibitions.”

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BACKGROUND

Drug & Laboratory Disposal, Inc. (DLD) is a facility located at 331 Broad Street in Plainwell, Michigan, where it operates as a commercial storer of polychlorinated biphenyls (PCB) waste (as defined in 40 C.F.R. § 761.3) requiring U.S. Environmental Protection Agency (EPA) approval. DLD also operates or conducts hazardous waste storage and treatment operations at this location that are subject to a Michigan Department of Environment, Great Lakes, and Energy (MEGLE) Hazardous Waste Management Facility Operating License.

On August 2, 1990, DLD submitted an initial application to commercially store PCB waste, which EPA approved on December 16, 1997. On March 1, 2019, DLD applied for renewal of its PCB waste commercial storage approval. After a technical adequacy review of the application, the EPA sent a Notice of Deficiencies (NOD) to DLD on March 28, 2019, notifying DLD of deficiencies in the application. In response to the NOD, DLD submitted additional application materials that EPA received on May 17, 2019 (dated April 15, 2019). As a result of further review of the additional information, EPA sent another NOD on June 13, 2019. DLD submitted a response, which EPA received on August 1, 2019. As a result of further review of the additional information, EPA issued a subsequent NOD on September 5, 2019. EPA received DLD’s response to this NOD on November 6, 2019. As a result of further review of the additional information, EPA requested further revisions and documentation on the closure cost estimate and closure plan. EPA received a final closure cost estimate and closure plan from DLD on February 4 and April 3, 2020, respectively. The final renewal application materials dated

March 1, 2019, April 15, 2019, August 1, 2019, February 4, 2020, and April 3, 2020, are the documents reviewed for the issuance of this Approval.

APPLICABLE REGULATIONS

This Approval incorporates, and is issued in accordance with, applicable requirements of the PCB Regulations at 40 C.F.R. Part 761. 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.” The PCB Regulations require, among other things, that commercial storers of PCB waste, storing certain TSCA-regulated PCB-containing material, obtain a written approval issued by the Regional Administrator for the region in which the storage facility is located. On July 15, 2014, the authority of the Regional Administrator was delegated to the Director, Land and Chemicals Division (LCD), EPA, Region 5. On April 24, 2019, those delegations to the Director of LCD were redelegated to the Director of Land, Chemicals and Redevelopment Division (LCRD) when EPA Region 5’s realignment took effect.

FINDINGS

Upon review of DLD’s multiple application submissions, EPA has determined that the criteria for approval to engage in the commercial storage of PCB waste set forth in 40 C.F.R. § 761.65(d) have been met. Specifically, the Application demonstrates that DLD’s storage facility, storage capacity, employee qualifications, closure plan, and financial assurance for closure satisfy applicable requirements and that operation of the storage facility, when conducted in accordance with the conditions of this Approval and all applicable provisions of the PCB regulations, will not pose an unreasonable risk of injury to health or the environment.

EFFECTIVE DATE

This Approval shall become effective upon signature and shall expire ten (10) years from such date, unless suspended, revoked or terminated, or administratively continued, in accordance with the conditions of this Approval, or unless otherwise authorized under applicable law.

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 the content of this document, the conditions within, and any subsequent EPA-approved written modifications thereto.

“Application” and “DLD Application” mean all data and materials upon which EPA based its decision to approve DLD’s request for approval to commercially store PCBs and PCB Items, *e.g.* information submitted to EPA by DLD to define, represent, or describe DLD’s commercial storage operations. This includes DLD’s initial renewal application dated March 1, 2019, and several revisions and additional materials dated

April 15, 2019 through April 3, 2020, and any subsequent DLD application that EPA approves in writing as a modification to this Approval.

“Chief of the Land and Chemicals Branch” means the Chief of the Land and Chemicals Branch; Land, Chemicals and Redevelopment Division, EPA, Region 5. Phone Number: 312-353-2000. Mailing Address: US EPA Region 5, 77 W. Jackson Blvd., LL-17J, Chicago, IL 60604.

“C.F.R.” means the Code of Federal Regulations.

“Day” means a calendar day, unless otherwise specified.

“Director of LCRD” means the Director of the Land, Chemicals and Redevelopment Division, EPA, Region 5. Phone Number: 312-353-2000. Mailing Address: US EPA Region 5, 77 W. Jackson Blvd., L-17J, Chicago, IL 60604.

“Electrical equipment” means site-specific equipment identified in DLD’s closure plan for the DLD facility.

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

“DLD” means Drug & Laboratory Disposal, Inc., a privately-owned company located at 331 Broad Street in Plainwell, Michigan, and which is approved to commercially store PCB waste under this Approval.

“Facility” and “DLD Facility” mean all contiguous land and improvements on the land and all structures and other appurtenances of the PCB waste commercial storage facility located at 331 Broad Street, in Plainwell, Michigan.

“Major modification” means any change which will affect overall Facility performance or environmental impact, including but not limited to changes to the storage areas, the maximum PCB storage inventory, the closure plan, closure cost estimates (except as required for inflation adjustment) and the financial assurance for closure.

“Minor modification” means any change which will not affect overall Facility performance or environmental impact including but not limited to an administrative or informational change, and correction to typographical errors.

“PCB” means polychlorinated biphenyl(s).

“PCB Regulations” are the regulations at 40 C.F.R. Part 761.

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

“Spill” has the same meaning as defined in EPA's PCB Spill Cleanup Policy in 40 C.F.R. § 761.123.

“SPCC Plan” is the Spill Prevention Control and Countermeasure Plan prepared in accordance with 40 C.F.R. Part 112.

“Storage area” or “PCB storage area” means any storage area listed in condition B.1(a).

CONDITIONS OF APPROVAL

A. General Conditions

1. Approval Compliance

(a) DLD must operate its Facility in compliance with the conditions of this Approval and consistent with the information included in the DLD Application. Noncompliance with any provision of the DLD Application and/or any condition of this Approval shall be deemed a violation of this Approval and may subject DLD to civil or criminal enforcement action and associated penalties.

(b) This Approval supersedes all previous Approvals for the commercial storage of PCB waste at the Facility issued by EPA.

(c) DLD 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.

(d) This Approval is based on the facts, representations, and certifications made by DLD in its Application. In the event that the conditions of this Approval are inconsistent with the provisions of or information contained in the DLD Application or supporting documentation, DLD must comply with the conditions of this Approval.

(e) DLD is liable for the actions of its employees, agents, contractors, and subcontractors in the operation of the Facility.

(f) Failure to comply with any of the Approval conditions shall constitute a violation of the requirement in 40 C.F.R. § 761.50(a) to store or dispose of PCB waste in accordance with 40 C.F.R. Part 761, Subpart D. A violation of the PCB Regulations is a prohibited act under Section 15 of TSCA.

(g) Compliance with this Approval does not relieve DLD of the responsibility to comply with all other applicable federal, state, and local laws and regulations, including the PCB Regulations. DLD should not rely solely on this Approval for all requirements related to PCBs or the storage of PCB waste.

2. Duty to Report Noncompliance

(a) If at any time DLD becomes aware that it is operating the Facility in a manner that is not in compliance with this Approval or other applicable provisions of the PCB

Regulations, DLD shall notify the Director of LCRD within 24 hours and shall submit a written report to the Director of LCRD within five (5) calendar days that describes the noncompliance, actions being taken to return to compliance, a schedule of the actions being taken, and what is being done to prevent a recurrence.

3. EPA Modification, Suspension, Revocation and Termination of Approval

- (a) EPA reserves the right to modify, suspend, revoke, or terminate this Approval:
 - (i) if DLD fails to operate the Facility in compliance with this Approval;
 - (ii) if there is reason to believe that continued operation of the Facility presents an unreasonable risk of injury to health or the environment, or if new regulations or standards become applicable rendering such modification, suspension, revocation, or termination appropriate. Upon request, DLD shall provide information EPA deems necessary to determine whether cause exists for modification, suspension, revocation or termination of this Approval. DLD shall provide such information within the time frame specified in EPA's request, or if no time frame is specified, within fifteen (15) calendar days of EPA's request unless impracticable;
 - (iii) upon discovering misrepresentation(s) or omission(s) of material fact(s) in the DLD Application; or
 - (iv) for environmental civil violations committed by or criminal convictions of DLD, its principles or key employees.
- (b) EPA's right to modify, suspend, revoke, or terminate this Approval does not in any way preclude its right to commence appropriate enforcement action under any or all applicable statutes and regulations. EPA reserves any rights and remedies available to it under TSCA, the PCB Regulations, and any other Federal laws or regulations for which EPA has jurisdiction, to enforce the provisions of this Approval.

4. Application and Approval Modifications

- (a) DLD must submit a modification request and receive written EPA approval for any modification to this Approval. DLD must not implement any such modifications until it receives written EPA consent.
- (b) Minor modifications to the DLD Application or to this Approval shall be submitted to Chief of the Land and Chemicals Branch and shall be implemented only after receipt of written consent.
- (c) Major modifications to the DLD Application or to this Approval shall be submitted to the Director of LCRD and shall be implemented only after receipt of written consent.

5. Approval Expiration/Renewal

(a) 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 a complete renewal application is received within the time period specified in condition A.5(b) and EPA has determined in writing that the renewal application is complete.

(b) To continue the commercial storage of PCBs and PCB Items granted by this Approval after the expiration date of this Approval, DLD shall submit a complete renewal application at least 180 days, but not more than 270 days prior to the expiration date of this Approval. A complete renewal application must contain, at a minimum, information listed in 40 CFR § 761.65(d)(3). A complete renewal application is considered to be information submitted in the most recently approved application, with appropriate modifications or updates based on proposed revisions to the original approval, which may include design and operation changes, updated safety protocols, and revised operating and testing procedures. The EPA may require DLD to submit additional information to support the renewal of this Approval. If DLD submits this information to EPA at least 180 days prior to the expiration date of this approval, and EPA has determined in writing that the application is complete, this approval continues in force (i.e., does not expire) until EPA issues an approval renewal, a conditional approval renewal, or an approval request denial.

(c) If DLD does not submit a complete renewal application at least 180 days prior to the expiration date of this Approval, this Approval will expire as specified in condition A.5(a). Failure to submit a renewal application as described in condition A.5(b) will be treated as evidence of DLD's intent to close.

6. Entry and Inspection

(a) DLD shall allow, at reasonable times, EPA authorized representative(s) to conduct inspections for the purpose of determining compliance with this Approval. Such inspection activities may include, but are not limited to, permitting EPA authorized representative(s) to:

- (i) conduct interviews;
- (ii) inspect and/or collect copies of records and monitoring data;
- (iii) take sample(s); and
- (iv) inspect, observe and document DLD's activities, equipment, work practices, operations and processes.

7. Change in Ownership or Operational Control

(a) DLD shall notify the Director of LCRD, EPA Region 5, in writing at least ninety (90) days before it intends to transfer ownership or operational control of the Facility.

This notification shall include the name, address, and telephone number of the intended transferee. A copy of this notification shall be sent to the Director of LCRD. Along with such notification, DLD shall submit a modification to the DLD Application providing the information required in all applicable provisions of 40 C.F.R. § 761.65(d)(3), along with a notarized affidavit signed by the intended transferee stating that it will abide by all conditions of this Approval, including the proposed modifications submitted in connection with the intended transfer of ownership or operation.

(b) After receiving DLD's notification and request to modify the Application, the intended transferee's affidavit, evidence that the intended transferee has established financial assurance for closure pursuant to 40 C.F.R. § 761.65(g) (if applicable), and other documents EPA may require under 40 C.F.R. § 761.65(j)(2), EPA may either:

(i) Modify the Approval to substitute the transferee's name for DLD and make other conforming minor modifications, or

(ii) Require the intended transferee to submit a new application and/or apply for a new approval.

(c) The intended transferee shall not operate the Facility until the Director of LCRD, EPA Region 5, issues an approval in the transferee's name.

(d) DLD must maintain its financial assurance for closure for the Facility until the intended transferee has established financial assurance for closure of the Facility pursuant to 40 C.F.R. § 761.65(g) and EPA issues an approval in the transferee's name.

(e) EPA may revoke, suspend, and/or modify this Approval or the transferee's new approval if, following a change in ownership or operational control at the Facility, there is a change in the Facility's operations and EPA finds that this Approval or the transferee's new approval will not prevent unreasonable risk of injury to health or the environment.

8. Bankruptcy. DLD must notify EPA within ten (10) days of filing for bankruptcy so that EPA may ensure compliance with the requirements of this Approval, including the maintenance of adequate financial assurance, and ensure that ongoing Facility operations will not pose unreasonable risk of injury to health or the environment.

9. Change in Flood Plain Designation. DLD must submit a written notification to the Director of LCRD immediately upon redesignation of the Facility within a 100-year flood plain. EPA may modify, suspend, revoke, or terminate this Approval if EPA determines that the change in flood plain designation, or any change in Facility operations resulting from or associated with such change in flood plain designation, may pose unreasonable risk of injury to health or the environment.

10. Severability. If any part or condition of this Approval is found to be invalid by any court of competent jurisdiction, all of the other provisions of this Approval shall remain in full force and effect.

B. PCB Storage Management

1. PCB Storage Areas

(a) DLD's approved PCB storage areas are described below and are depicted in the Attachment. These PCB storage areas shall be maintained in compliance with 40 C.F.R. § 761.65 and the DLD Application.

- (i) Storage Area DLS-1: Approximately 30 feet long by 21 feet wide by 6 inches high; concrete floor and curbing.
- (ii) Storage Area DLS-3: Approximately 50 feet long by 25 feet wide by 5.5 feet high; concrete floor and curbing.
- (iii) Storage Area DLS-5: Approximately 97 feet long by 97 feet wide by 6 inches high; concrete floor and curbing.

(b) Storage of PCBs or PCB Items in an area other than the approved storage areas described above shall be deemed a violation of this Approval.

C. Maximum Storage Capacities

1. Maximum Storage Capacities for PCBs and PCB Items

(a) The maximum storage capacity and the categories of PCBs and PCB Items permitted to be stored at any time in each approved storage area are specified below. DLD's ability to store PCBs and PCB Items at the Facility is limited to the categories and quantities specified below for each PCB storage area. DLD shall not accept or store any PCBs or PCB Items which have not been described below or quantities in excess of those listed below, unless otherwise approved by EPA in writing on a case-by-case basis.

(i) Storage Area DLS-1: 1,100 gallons of PCB small capacitors; large high-voltage capacitors; large low-voltage capacitors; PCB and PCB-contaminated transformers; PCB containers filled with PCB samples, debris, clothes, and sawdust; and PCB containers filled with PCB liquids including paint wastes.

(ii) Storage Area DLS-3: 1,045 gallons of PCB small capacitors; large high-voltage capacitors; large low-voltage capacitors; PCB and PCB-contaminated transformers; PCB containers filled with PCB samples, debris, clothes, and sawdust; and PCB containers filled with liquid PCBs including paint wastes.

5,000 gallons of PCB liquids (>50 ppm PCB) stored in a tank (Tank #3).

(iii) Storage Area DLS-5: 1,540 gallons of PCB small capacitors; large high-voltage capacitors; large low-voltage capacitors; PCB and PCB-contaminated transformers; PCB containers filled with PCB samples, debris, clothes, and sawdust; and PCB containers filled with PCB liquids including paint wastes.

(b) DLD shall not substitute capacity of one of the PCB or PCB Item categories described above to prevent exceedance of the maximum storage capacity in another PCB or PCB Item category.

2. Storage Requirements for PCBs and PCB Items

(a) Intact and non-leaking PCB Equipment and other PCB Articles, whether drained or filled, shall be stored free-standing or in PCB Article Containers.

(b) Partially or fully disassembled drained PCB-containing electrical equipment and other PCB Articles shall be stored free-standing, or in PCB Containers.

(c) Leaking PCB Articles and PCB Equipment shall be stored in PCB Containers.

(d) Liquid PCBs shall be stored in PCB Containers, dedicated stationary storage containers (tanks), or intact and non-leaking PCB Articles.

(e) Non-liquid PCBs shall be stored in PCB Containers.

3. PCB Waste Storage Container Requirements

(a) Stationary storage containers (tanks) used to store PCB liquids shall comply with the requirements of 40 C.F.R. § 761.65(c)(7).

(b) Containers used to store liquid or non-liquid PCB waste shall comply with the requirements of 40 C.F.R. § 761.65(c)(6).

(c) DLD's use of a PCB waste storage container that does not comply with any of the requirements described above shall be deemed a violation of this Approval.

4. PCB Storage, Marking and Labeling

(a) DLD shall label all PCB Containers, PCB storage areas, and any PCB Item subject to marking requirements under 40 C.F.R. § 761.40 with the M_L label or M_S label, as appropriate, and as defined in 40 C.F.R. § 761.45.

(b) DLD shall place a label on all PCB Items with the date of removal from service for disposal. Storage shall be managed so that PCB Items can be located by this date. Stationary storage containers for liquid PCBs shall have a record that includes, for each batch of PCBs, the quantity of the batch and date the batch was added to the container.

The record shall also include the date, quantity, and disposition of any batch of PCBs removed from the container.

(c) DLD shall dispose of all PCBs and PCB Items within one (1) year after they are taken out of service. If additional time is required for disposal, DLD shall comply with the requirements of 40 C.F.R. § 761.65(a)(2) and (3).

5. Storage Requirements for PCBs and PCB Items

(a) Drums containing PCBs and PCB Items shall not be stacked in a manner that could result in a spill outside the storage areas. Drums shall not be stacked more than two (2) drums high.

(b) An aisle width of two (2) feet, minimally, must be maintained to allow for unobstructed access to all PCBs and PCB Items stored on-site by personnel, fire protection equipment, and decontamination equipment.

(c) DLD may store PCBs and PCB Items in a manner that allows maximum use of space. However, PCBs and PCB Items must be stored in a manner that presents no unreasonable risk of injury to health and the environment and that does not impede routine inspections carried out by DLD as required by this Approval. During inspections conducted by EPA authorized representative(s), DLD shall move items as requested by the inspector(s) to allow the inspector(s) full access to the Facility and stored PCBs and PCB Items.

(d) Access to the PCB storage areas shall be restricted to workers that have completed training in accordance with condition E.4. and that are listed on the signature sheet described in condition H.4(e), except that workers that are working for or on behalf of DLD as of the effective date of this Approval that have been trained under previous versions of the DLD training manual shall be allowed access to the PCB storage areas for up to sixty (60) days after the effective date of this Approval in order to complete the training described in condition E.4.

(e) DLD must document the PCB content of all incoming inventory to establish compliance with the conditions of this Approval at all times. Sampling and analytical methods must comply with applicable provisions of the PCB Regulation.

(f) If any PCB Container, PCB Article, PCB Article Container, or PCB Equipment is leaking, DLD shall immediately transfer the PCB Container, PCB Article, PCB Article Container, or PCB Equipment and the PCB waste therein to a properly marked, non-leaking container. Any spilled or leaked materials shall immediately be cleaned up and the materials containing PCBs shall be disposed of in accordance with applicable provisions of the PCB Regulation and Condition F.4.

(g) No item of movable equipment that is used for handling PCBs and PCB Items in the storage areas and that comes in direct contact with PCBs shall be removed from the storage area unless it has been decontaminated as specified in 40 C.F.R. § 761.79.

(h) PCB Containers must always be closed during storage, except when adding and removing their contents, and must not be opened, handled or stored in a manner which may cause damage or leaks.

6. Storage Area Inspection Requirements

(a) PCBs and PCB Items in storage shall be checked for leaks and spills on a daily basis. DLD need not document the daily inspections; however, any spills discovered during these routine inspections shall be cleaned up expeditiously, as specified in condition C.6(c) and reported if required by condition F.3. Records of cleanup and disposal must be maintained in accordance with condition H.3(c).

(b) At least once every thirty (30) days, as required by 40 C.F.R. §761.65(c)(5), DLD shall conduct a thorough inspection of each PCB storage area at the Facility. The following elements shall be included in the 30-day inspections:

- (i) PCBs and PCB Items in storage shall be checked for leaks and spills;
- (ii) The PCB Containers, PCB Article Containers, PCB Equipment, and stationary storage containers (tanks), and ancillary equipment (valves, pipelines, etc.,) shall be checked for leaks;
- (iii) The condition of PCB liquid storage tank shells, tank supports, and tank area curbing shall be checked for cracks, leaks or deterioration;
- (iv) Tank vents, high liquid level alarm systems and liquid level indicators shall be checked to make sure they are operating properly;
- (v) The condition of the floor, joints and curbing in the PCB storage area shall be checked; and
- (vi) Spill response and emergency equipment as described in the SPCC Plan shall be checked and replaced or replenished as necessary.

(c) PCBs or PCB Items found leaking shall be transferred to a properly marked non-leaking container. Any spilled or leaked materials shall immediately be cleaned up and the materials containing PCBs shall be disposed of in accordance with applicable provisions of the PCB Regulations and condition F.4.

(d) Any needed repairs, including those for leaks, cracks, deterioration, or malfunctioning vents, alarms or indicator levels detected during such inspections, shall be made as expeditiously as possible.

D. Facility Operation, Limitation of Exposure and Control of Releases

1. DLD shall maintain and operate the Facility to prevent fire, explosion, releases of PCBs to the environment, and exposure of workers of PCBs.

2. The DLD Facility must be secured to restrict public access.

E. Worker Protection

1. DLD workers with access to PCB storage areas shall wear or use protective clothing or equipment at the Facility to protect against dermal contact with or inhalation of PCBs or material containing PCBs.

2. DLD shall comply with all applicable health and safety standards, as required by federal, state and local regulations and ordinances.

3. DLD shall comply with the safety provisions of the DLD Application.

4. All employees hired subsequent to the date of this Approval must be trained, as specified in DLD's personnel training program and training schedule included in the Application. In addition, DLD 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.

5. All new workers must complete training in accordance with the DLD training manual prior to entering PCB storage areas. In addition to initial training, all workers with access to PCB storage areas must complete annual refresher training in accordance with the current DLD training manual.

6. Except as provided in condition E.7, the PCB concentration of non-porous surface areas located outside of PCB storage areas shall not exceed 10 micrograms per 100 square centimeters ($\mu\text{g}/100\text{ cm}^2$) and all porous surfaces located outside of PCB storage areas shall not exceed 1 ppm.

7. The PCB concentration of food handling areas, including any locations where food or drink is prepared, stored or consumed shall not exceed a concentration of 1 $\mu\text{g}/100\text{ cm}^2$ for non-porous surfaces and 1 ppm for porous surfaces.

8. Any person entering and leaving the PCB storage area must do so through a clean-in/clean-out station.

9. The PCB concentration of non-porous surface areas located in the clean-in/clean-out station shall not exceed 10 $\mu\text{g}/100\text{ cm}^2$ and all porous surfaces located in the clean-in/clean-out station shall not exceed 1 ppm.

10. In the event the concentration of PCBs exceeds the levels set forth in conditions E.6, E.7, or E.9, DLD shall immediately begin decontamination of the affected area in accordance with applicable requirements of the PCB Regulations and this Approval. DLD shall not encapsulate any PCB-containing areas regardless of PCB concentration levels without specific prior written approval from EPA.

11. DLD must report incidences of injury or illness from exposure to PCB to the Director of LCRD within twenty-four (24) hours of becoming aware of such injury or illness.

F. PCB Spills and Releases

1. DLD has prepared and submitted a SPCC Plan. DLD shall follow the spill prevention measures outlined in the SPCC Plan and implement applicable control measures specified in the SPCC Plan for qualifying spill events.
2. Spills of PCBs shall be cleaned up in accordance with the requirements of the PCB Spill Cleanup Policy at 40 C.F.R. Part 761, Subpart G or the PCB Regulations, as applicable.
3. DLD shall comply with applicable PCB spill reporting requirements under 40 C.F.R. § 761.125; the Clean Water Act; and the Comprehensive Environmental Response Compensation and Liability Act. Notification to the EPA Regional Office of any PCB spill or release as required under 40 C.F.R. § 761.125 shall be made to Director of LCRD. A written report of the reportable spill incident under 40 C.F.R. § 761.125 must be submitted to Director of LCRD within five (5) business days following the incident.
4. Any wastes generated as a result of cleanup of a PCB spill or release or decontamination of any material contaminated by a PCB spill or release shall be disposed of in accordance with 40 C.F.R. § 761.61.
5. DLD shall immediately report to Director of LCRD if, as a result of any unauthorized entry or operation at the Facility, PCBs were released. To the extent known, such report shall include a description of the unauthorized entry or operation, the resulting release of PCBs, and any corrective action taken by DLD. Examples of unauthorized entry or operation at the Facility to be reported to EPA include, but are not be limited to, tampering, destruction, or loss at the Facility which caused the release of PCBs.

G. Emergency Provisions

1. DLD shall follow the SPCC Plan whenever there is a fire, explosion, or release of PCBs or hazardous constituents.
2. Copies of the DLD training manual, SPCC Plan, and this Approval shall be maintained and be made available to all workers at the DLD Facility. Lists of emergency contacts, telephone numbers, and emergency exit routes shall be posted in prominent locations throughout the Facility.
3. The Facility shall, at a minimum, be equipped with the following:
 - (a) an internal communications or alarm system capable of providing immediate emergency notification (voice or signal) to facility personnel;
 - (b) devices, such as a telephone or a hand-held two-way radio, which are immediately available at the scene of operations, capable of summoning emergency assistance from local police departments, fire departments, and State or local emergency response teams;
 - (c) portable fire extinguishers, fire control equipment, spill control equipment, and decontamination equipment; and

- (d) water at adequate volume and pressure to supply fire hose streams or foam equipment.
4. DLD shall test and maintain the equipment specified above in accordance with the manufacturer's recommendations to ensure proper operation in time of emergency. In the event any of the emergency response equipment specified above was manufactured by DLD, DLD shall establish and follow a testing and maintenance plan for those manufactured items.
5. Whenever PCBs are being poured, mixed, or otherwise handled, DLD shall ensure that all workers involved in the operation will have immediate access to an internal alarm or emergency communication device, either directly or through visual or voice contact with another worker.
6. At all times, there shall be at least one (1) worker present at the DLD Facility or on call with the responsibility for coordinating all emergency response measures. This worker shall have immediate access to the entire Facility and to a device, such as a telephone or a hand-held two-way radio, immediately available at the scene of operation capable of summoning external emergency assistance. This worker must have the authority to commit the resources needed to carry out contingency measures of this Approval, the DLD Application, or the PCB Regulations, or that are otherwise appropriate.
7. DLD shall provide a written description of storage activities, stored materials, and emergency procedures, as described in the DLD Application, to local police departments, hospitals, and state and local emergency response teams that may be called upon to provide emergency services and shall provide updates of the written description as necessary.
8. DLD shall review and promptly modify, if necessary, the SPCC Plan whenever:
- (a) such plan fails in an emergency;
 - (b) DLD changes the Facility's design, construction, operation, maintenance, or emergency response policies;
 - (c) a circumstance arises that materially increases the potential for fires, explosions, or releases of PCBs or hazardous constituents;
 - (d) the list of emergency coordinators changes;
 - (e) the list of emergency equipment changes;
 - (f) a revision is warranted to prevent an unreasonable risk of injury to health and the environment; or
 - (g) EPA determines that a revision to such plan is necessary.
9. DLD shall submit SPCC Plan proposed modifications, whether minor or major, to EPA.

H. Recordkeeping and Reporting

1. DLD shall comply with all applicable recordkeeping and reporting requirements of the PCB Regulations, including but not limited to, annual records, annual document logs and annual reports as required by 40 C.F.R. § 761.180.
2. DLD shall maintain daily records of storage inventories which are sufficient to determine compliance with the Maximum Storage Capacity and related requirements for PCBs and PCB Items specified in condition C.1.
3. DLD must maintain records demonstrating compliance with the requirements of 40 C.F.R. § 761.180(a) and (b) and this Approval:
 - (a) the documentation of PCB content, sampling and analytical testing requirements of condition C.5(e);
 - (b) the inspection requirements of condition C.6(b), which shall be in the form of inspection records;
 - (c) the cleanup and disposal requirements of conditions C.6(a) and (c), F.2, and F.4;
 - (d) the repair requirements of condition C.6(d);
 - (e) the worker training requirements of conditions E.4 and E.5, which shall include the name and title of the individual, the date(s) of the training, and a signature sheet certifying that the signatory completed training in accordance with the DLD training manual on the date specified;
 - (f) the detection of exceedance(s) and decontamination requirements under conditions E.6, E.7, E.9, or E.10;
 - (g) the spill requirements of conditions F.1 and F.2;
 - (h) the reporting requirement of condition F.3, which shall include the items, and certification, if applicable, required under 40 C.F.R. § 761.125;
 - (i) the disposal requirement of condition F.4;
 - (j) the equipment maintenance and testing requirements of condition G.4; and
 - (k) the emergency responder notification requirements of condition G.7.
4. DLD shall maintain copies of the manifests, either paper copies or electronically available in an online e-Manifest account, and certificates of disposal for all PCBs and PCB Items that have been stored at the DLD Facility. DLD shall provide copies of certificates of disposal to the generator of PCBs and PCB Items that were stored at the DLD facility within thirty (30) calendar days of receipt by DLD of documentation of final disposal of such PCBs and PCB Items.

5. All records relating to sampling, analysis, and quality assurance required by the PCB Regulation or this Approval shall include the following:

- (a) exact date, place, and time of each sample collected;
- (b) volume of each sample collected;
- (c) name of person collecting each sample;
- (d) name of analyst;
- (e) date and time of analysis;
- (f) the analytical techniques or methods used for each sample;
- (g) the analytical results including chromatographs, calculations, and other raw data;
- (h) calibration records and maintenance records of sampling equipment and analytical instrumentation; and,
- (i) records of quality assurance/quality control activities.

6. All records required to be maintained either by the PCB Regulations or this Approval shall be legible and prepared in black ink or typed. Any modification or correction of the records must be initialed and dated by a DLD worker authorized to make such change. If the recordkeeping is maintained electronically, DLD shall produce and maintain hard copy printouts when requested by EPA and shall back-up the data on a daily basis. During any period in which the electronic recordkeeping system is rendered non-operational, DLD must implement a comparably reliable alternate recordkeeping system in its place.

7. All records required to be maintained either by the PCB Regulations or this Approval shall be maintained at one centralized location at the DLD Facility and shall be made available for inspection by EPA authorized representatives. When DLD ceases operations, all such records shall be made available to EPA at the DLD Facility for a period of at least five (5) years following cessation of operations. If DLD is unable to comply with this condition because it is no longer in control of the site, it shall comply by making such records available at an alternative location proposed by DLD and approved by EPA in writing.

8. All reports, notifications and other information requested to be provided to the EPA shall be signed by a DLD officer or by the DLD Environmental and Safety Manager.

9. Unless otherwise specified herein, reports, notification, mail or other submittals required to be submitted to the EPA under this Approval shall be sent to:

U.S. Environmental Protection Agency, Region 5
77 West Jackson Blvd. (Mail Code LR-17J)
Chicago, IL 60604

10. No recordkeeping, report or communication required under this Approval shall qualify as a self-audit or voluntary disclosure under EPA audit, self-disclosure or penalty policies.

I. Closure and Financial Assurance

1. DLD shall maintain financial assurance as specified in 40 C.F.R. § 761.65(g) and 40 C.F.R. Part 264, Subpart H, to provide for:
 - (a) funding in accordance with the approved closure plan listed in Condition I.2.; and
 - (b) compensating others for bodily injury and property damage caused by accidents arising from operations of the Facility.
2. The Closure Plan and Closure Cost Estimate submitted as part of the DLD Application is deemed acceptable under 40 C.F.R. § 761.65(e) and is incorporated by reference into this Approval. DLD shall comply with the approved Closure Plan and Closure Cost Estimate.
3. DLD has demonstrated financial assurance for closure of the DLD Facility as required by 40 C.F.R. § 761.65(g). DLD may not modify its mechanism for financial assurance without prior written approval from EPA. DLD shall submit proposed changes to its financial assurance mechanism to Director of LCRD and shall not implement such modification until it receives written EPA approval.
4. DLD shall adjust the Closure Cost Estimate annually to reflect inflation as required by 40 C.F.R. § 761.65(f)(2) within sixty (60) days prior to the anniversary date of the establishment of the financial assurance instrument used. DLD shall submit a copy of the annually adjusted Closure Cost Estimate to EPA no later than the annual anniversary of the effective date of this Approval. If the annual adjustment to the Closure Cost Estimate changes the required amount such that it exceeds the face value of the existing financial assurance mechanism, DLD shall make a corresponding increase to its financial assurance mechanism. In the event modification to the financial assurance mechanism amount is required, other than the annual adjustment for inflation, DLD shall submit documentation of adequate financial assurance to the Regional Administrator.
5. DLD shall modify the Closure Plan and Closure Cost Estimate whenever any changes in ownership, operating plans, maximum storage capacity or facility design affect the Closure Plan; whenever there is a change in the expected year of closure; or whenever unexpected events during closure require modification. If DLD becomes aware of information indicating that the estimated costs associated with performing closure of the DLD Facility may exceed the current Closure Cost Estimate approved by EPA, DLD shall modify the Closure Plan and/or Closure Cost Estimate, as appropriate. DLD shall submit proposed modifications to its Closure Plan and/or Closure Cost Estimate to EPA in the form of a modified application and shall not implement such modifications until it receives written EPA approval. DLD shall base modifications to Closure Cost Estimates on maximum cost conditions, as specified in 40 C.F.R. § 761.65(f)(i) - (iv) and shall submit them to EPA with a “certification,” as defined in 40 C.F.R. § 761.3.

6. When an EPA-approved modification to the Facility's Closure Plan increases the Closure Cost Estimate, or when EPA approves a modification which increases the Facility's Closure Cost Estimate, DLD shall make corresponding increases to its financial assurance and provide documentation to EPA of such change no later than thirty (30) days after such modification is approved by EPA.
7. When an EPA-approved modification to the Facility increases the maximum storage capacity in Condition C.1.a., DLD shall notify the Director of LCRD in writing no later than thirty (30) days from the completion of the modification and either establish a new financial assurance or amend the existing financial assurance mechanism. The new or amended financial assurance mechanism must be established and activated no later than thirty (30) days after notification of the completion of the modification but prior to the use of the modified portion of the Facility.
8. DLD shall keep a copy of the most recently approved Closure Plan, Closure Cost Estimate and financial assurance document(s) at the Facility and make such documents available to EPA authorized representatives, upon request.
9. DLD shall notify the Regional Administrator or his or her delegate in writing at least sixty (60) days prior to the date it expects to begin closure. The date DLD "expects to begin closure" shall be no later than thirty (30) days after the date on which DLD receives its final quantities of PCB waste for storage.
10. In accordance with DLD's approved closure plan, DLD shall remove all PCB waste in storage at the DLD Facility within ninety (90) days after receiving the final quantity of PCB waste for storage and shall complete closure activities within 180 days after receiving the final quantity of PCB waste for storage.
11. Upon termination of the operation, DLD shall proceed according to the provisions of the Closure Plan submitted to and approved by EPA. As used in this paragraph, "termination of the operation" includes voluntary cessation of operations and cessation of operations required by expiration, termination, or revocation of this Approval.
12. During the closure period, all contaminated system component equipment, structures, and soils shall be disposed of in accordance with the disposal requirements of 40 C.F.R. Part 761, Subpart D, or, if applicable, decontaminated in accordance with the levels specified in the PCB Spill Cleanup Policy, 40 C.F.R. Part 761, Subpart G.
13. If PCB waste is removed from the storage facility during closure, DLD will become a generator of PCB waste subject to the generator requirements of 40 C.F.R. Part 761, Subpart J.
14. Within sixty (60) days of completion of closure of the DLD Facility, DLD shall submit to the EPA Regional Administrator or his or her delegate a certification that the Facility has been closed in accordance with the approved closure plan. The certification shall be signed by DLD and by an independent registered professional engineer.

15. DLD shall submit to the Director of LCRD a revised Closure Plan reflecting current conditions at the Facility at least 180 days prior to the anticipated beginning of closure activities. The revised Closure Plan must be approved in writing by EPA prior to implementation.

16. DLD may petition the Director of LCRD for permission to forgo submittal of a revised Closure Plan at least 180 days prior to the anticipated beginning of closure activities. In that petition, DLD shall demonstrate that there have been no significant changes to the conditions at the Facility that would warrant revisions to the Closure Plan. The requirement to submit a revised Closure Plan at least 180 days prior to the anticipated beginning of closure activities will only be waived upon a written notification from EPA to DLD granting the petition.

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DECISION TO APPROVE DRUG & LABORATORY DISPOSAL, INC.'S APPLICATION
FOR COMMERCIAL STORAGE OF PCB WASTE

EPA has determined that the criteria for approval to engage in the commercial storage of PCB waste set forth in 40 C.F.R. § 761.65(d) have been met. Specifically, the Application demonstrates that DLD's storage facility, storage capacity, employee qualifications, closure plan, and financial assurance for closure satisfy applicable requirements and that operation of the storage facility, when conducted in accordance with the conditions of this Approval and all applicable provisions of the PCB regulations, will not pose an unreasonable risk of injury to health or the environment. EPA approves the DLD Application to commercially store and treat PCBs and PCB Items for disposal at the DLD Facility.

This Approval shall become effective the date the Director of the Land, Chemicals and Redevelopment Division, EPA Region 5, acting on DLD's Application, signs it. The Approval shall expire 10 years from such date, unless suspended, revoked or terminated, or administratively continued, in accordance with the conditions of this Approval, or unless otherwise authorized under applicable law.

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

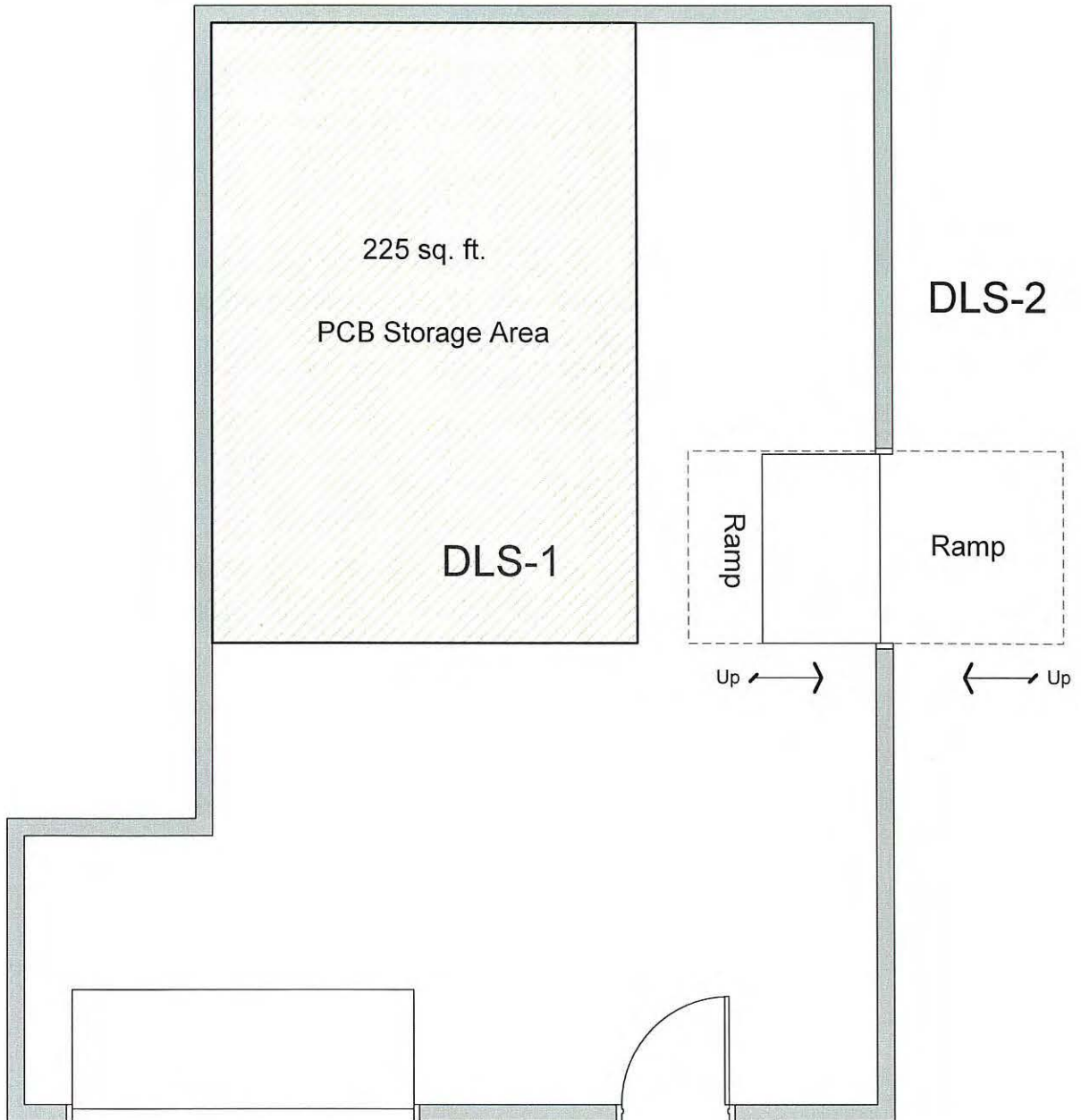
Date

Edward Nam
Director
Land, Chemicals and Redevelopment
Division
U.S Environmental Protection Agency
Region 5

Attachment — Diagrams of Approved Storage Areas (Condition B.1(a))

[insert diagrams/figures/drawings of approved storage areas]

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DLS-1 PCB Storage

