

HW_5025_RP_20170316 - Miscellaneous Action Plan



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 6
1445 ROSS AVENUE, SUITE 1200
DALLAS TX 75202-2733

MAR 16 2017

RECEIVED

MAR 23 2017

CERTIFIED MAIL - RETURN RECEIPT REQUESTED

Mr. Steve Venti
Facility General Manager
Clean Harbors Environmental Services, Inc.
500 Independence Parkway South
La Porte, Texas 77571

WASTE PERMITS DIVISION
TEXAS COMMISSION ON
ENVIRONMENTAL QUALITY

RE: The United States Environmental Protection Agency (EPA) Region 6 Proposed
Re-authorization of Clean Harbors Environmental Services, Inc. (CH) for the
Commercial Storage of Polychlorinated Biphenyls (PCBs) at its La Porte, TX
Facility, EPA ID No. TXD982290140.

HW #50255 / SWR #50255

Dear Mr. Venti:

Enclosed is EPA Region 6 proposal to approve CH for commercial storage of PCBs at its facility located at La Porte, Texas. The current approval, which is in effect until August 7, 2017, is administratively continued until a final determination is made on this renewal request. A Public Notice announcing this proposed approval will be placed in the Houston Chronicle, which will open a 45-day comment period, during which requests may be made for a Public Hearing. After the comment period closes, we will evaluate any significant or substantial comments received and determine whether a Public Hearing should be convened. If a Hearing is to be convened, a 30-day advance notice will be published announcing the Hearing date, time, and place in the local area. If no Hearing is convened, a final determination will be made on the proposed approval.

If you have questions or comments, please contact Mr. James Sales of my staff at (214) 665-6796.

Sincerely,

Susan Spalding
Associate Director for RCRA
Hazardous Waste Branch
Multimedia Division

RECEIVED
APR 12 2017
TCEQ
CENTRAL FILE ROOM

Enclosure

cc: Earl Lott, TCEQ

DUE DATE NR
ARTS # 21470473
PM Mary T.

CERTIFIED MAIL - RETURN RECEIPT REQUESTED

Mr. Steve Venti
Facility General Manager
Clean Harbors Environmental Services, Inc.
500 Independence Parkway South
La Porte, Texas 77571

RE: The United States Environmental Protection Agency (EPA) Region 6 Re-authorization of Clean Harbors Environmental Services, Inc. (CH) for the Commercial Storage of Polychlorinated Biphenyls (PCBs) at its La Porte, TX Facility, EPA ID No. TXD982290140.

Dear Mr. Venti:

On February 6, 2017, you requested PCB re-authorization of your existing approval for commercial storage of PCBs at your La Porte, Texas facility that expires on August 7, 2017. After review of your application, EPA concludes that operation of the CH PCB commercial storage facility, in accordance with the enclosed Conditions of Approval, will not pose an unreasonable risk of injury to human health or the environment from PCBs.

Violation of 40 CFR Part 761, or any condition included as part of this approval, may subject Clean Harbors to enforcement action under the Toxic Substances Control Act (TSCA) and/or other applicable laws and regulations. Such action could result in termination, revocation, or modification of this approval. Furthermore, receipt of evidence that: (1) a misrepresentation of any material fact has been made in any Clean Harbors submittal; (2) all relevant facts have not been disclosed; or (3) the nature of the disposal has substantially changed from the effective date of this approval may constitute sufficient cause for termination, revocation or modification of this approval. EPA reserves the right to add, modify or delete any approval condition upon proper notice to the applicant.

The facility should notify EPA in writing at least six months before the expiration date to request re-authorization of this approval. If a request for renewal has been received at least six months before the expiration date, the expiration date shall be administratively continued until a final determination is made on your renewal request.

If you have questions or comments, please contact Mr. James Sales of my staff at (214) 665-6796.

Sincerely,

Wren Stenger
Director
Multimedia Division

Enclosure

cc: Earl Lott, TCEQ

PCB COMMERCIAL STORAGE
CONDITIONS OF APPROVAL
CLEAN HARBORS, INC., LA PORTE, TEXAS

The terms and abbreviations in these conditions are in accordance with those defined in 40 CFR § 761.3 unless otherwise noted. The term "Facility" hereinafter refers to Clean Harbors, Inc., La Porte, Texas.

I. LOCATION

The Facility is located at 500 Independence Parkway South, La Porte, Texas.

II. PCB STORAGE AREAS AND PCB WASTES AUTHORIZED

A. PCB WASTES AUTHORIZED

1. Solid and liquid polychlorinated biphenyls (PCBs).

B. PCB STORAGE AREAS & MAXIMUM CAPACITY AUTHORIZED

The Facility shall comply with 40 CFR § 761.65 (Storage for disposal) in the following authorized storage areas and maximum allowed inventories:

1. Warehouse III, Cells 10-12 inclusive.
2. The Facility is approved for a total maximum capacity of 196 55-gallon drums, or its equivalent, not to exceed a total of 10,780 gallons.
3. PCB Items may be sampled in the designated sampling area in Warehouse III.

C. AUTHORIZATION TO OPERATE ADDITIONAL PCB STORAGE AREAS

1. For a new PCB storage area not identified in II. B. above, the Facility shall not commence storage in the new storage area until it has notified the Environmental Protection Agency (EPA) Region 6 RCRA Permits Section, and received a written approval authorizing the new area for PCB storage.
2. For expansion in capacity or major modification of an existing PCB storage area, the Facility shall not store PCBs in the modified area until it has notified the EPA Region 6, RCRA Permits Section, and received a written approval for the expansion or modification of the area. A major modification shall be defined as a change in the configuration or location of those authorized PCB storage areas listed in II. B. above.

III. PCB STORAGE AREA OPERATION

A. GENERAL OPERATING REQUIREMENTS

1. The Facility shall operate and maintain all storage areas and systems of treatment and control in accordance with the Facility application and subsequent amendments to the application, the conditions of this approval, and the PCB regulations (40 CFR Part 761).
2. The Facility is responsible for the actions of all employees, agents, contractors or others involved in commercially storing PCBs at the Facility. Also, the Facility is responsible for complying with all other applicable federal, state, and local statutes and regulations.

B. PCB STORAGE AREA OPERATING REQUIREMENTS

1. The Facility shall store PCBs and PCB Items only in the areas designated in condition II. B.
2. Adequate aisle space shall be maintained to allow for unobstructed access to all PCB Items stored on-site by personnel, fire protection equipment, and decontamination equipment.
3. The Facility shall not exceed the maximum storage inventory of PCBs indicated in condition II. B. Requests for increasing the maximum inventory shall be submitted and approved by the EPA in writing prior to storage of additional PCB inventory.
4. The Facility shall verify the PCB content of PCBs or PCB Items before accepting the material for storage.
5. Any sampling and analysis conducted for PCBs shall conform to EPA accepted methods and procedures. Results of all analyses shall be recorded and kept on file.

C. STORAGE CLOSURE AND FINANCIAL REQUIREMENTS

1. The Facility shall comply with the closure regulations pursuant to 40 CFR § 761.65 (d)-(g) except for any requirements that are specifically waived in this approval.

2. The Closure Cost Estimate shall be updated to adjust for inflation annually, or within 30 days after EPA approval of any modification to the Closure Plan that increases the expected costs of closure.
3. The Facility shall amend the Closure Plan and current Closure Cost Estimate whenever changes in operating plans or Facility design affect the Closure Plan, or whenever there is a change in the expected year of closure. In the event the Facility becomes aware of information that tends to show that the estimated costs associated with performing closure of the Facility may exceed the current Closure Cost Estimate approved by EPA, the Facility shall modify the Closure Plan and submit any modifications to the Closure Plan to EPA for approval.
4. Financial assurance, at least equivalent to that specified in 40 CFR § 761.65(g) and 40 CFR Part 264, Subpart H, shall be maintained by the Facility to provide funding for proper closure. The closure plan shall also provide for the decontamination and/or disposal of PCB-contaminated equipment and materials at an EPA approved PCB disposal facility.
5. Any payment required to establish or continue the financial assurance mechanism used to satisfy the financial requirements shall be made when due. Written verification of the payments shall be furnished to the EPA Region 6 RCRA Permits Section within 30 days of the payment due dates. The Facility shall also submit such documentation as EPA may require to determine whether the financial assurance requirements for this approval have been met.
6. The Facility shall submit documentation of continued financial assurance annually to the EPA Region 6 RCRA Permits Section.
7. The Facility shall notify the EPA Region 6 RCRA Permits Section at least 60 days prior to the date closure is expected to begin.
8. Upon termination of PCB storage activities, the Facility shall proceed according to the provisions of the approved Closure Plan. The word "termination" means cessation of PCB storage operations required by expiration, termination, or revocation of this approval.

IV. STANDARD APPROVAL CONDITIONS

A. SEVERABILITY

The conditions of this authorization are severable, and if any provision of this

authorization, or any application of any provision is held invalid, the remainder of this authorization shall not be affected thereby.

B. DEPARTURE FROM APPROVAL CONDITIONS

If at any time the Facility becomes aware of any violation of the conditions of this Approval, the Facility shall notify the EPA Region 6 RCRA Permits Section by telephone within 24 hours, and shall submit a written report within five (5) days.

C. FAILURE TO SUBMIT INFORMATION

When Facility officials become aware that it has failed to submit any relevant facts in the PCB storage application, or submitted incorrect information in any report to EPA, the Facility shall submit such facts or information to the EPA Region 6 RCRA Permits Section within 30 days.

D. PERMITS

During PCB storage, the Facility shall comply with all Federal, State, and local regulations and agreements, including:

1. permits for the storage of PCBs, and
2. the applicable RCRA hazardous waste regulations.

E. DUTY TO PROTECT THE ENVIRONMENT

The Facility shall correct any adverse impact on the environment resulting from noncompliance with this approval.

F. WORKER PROTECTION

1. The Facility shall comply with the health and safety practices described in the application. Personnel safety requirements and procedures for PCB handling, storage, and transport shall comply with Occupational Safety and Health Administration (OSHA) regulations applicable to this Facility.
2. The Facility shall comply with its PCB training plan. All employees who handle PCBs and PCB Items at the Facility shall receive the training as specified in the Facility training plan. The training shall include a discussion of PCB regulatory requirements, including the requirements of the PCB Spill Cleanup Policy

pursuant to 40 CFR §§ 761.120-135. The training shall include the specifics of the Safety Plan, Contingency Plan, and the Emergency Procedures, as well as, the Spill Prevention Control and Countermeasure (SPCC) Plan. A signature sheet shall be included as part of the training to verify personnel participation.

Employees shall be re-trained every year. All new employees shall be trained before handling PCBs and PCB Items.

G. MAINTENANCE

1. The Facility shall have in place a routine inspection and maintenance program for all equipment and/or systems of treatment and control (and related appurtenances) which are installed or used to achieve compliance with the conditions of this approval.
2. All vehicles owned by the Facility used for the transport of PCBs and PCB Items shall meet DOT regulations during transport of PCBs, and be properly marked in accordance with 40 CFR § 761.40.

H. EMERGENCIES AND CONTINGENCY PLANS

1. The Facility shall follow the SPCC and Contingency Plan whenever there is a release of PCBs. A copy of these plans, along with a copy of this approval, shall be kept onsite in an area easily accessible to employees who handle PCBs. The SPCC and Contingency Plan shall be amended and a copy sent to EPA immediately after any of the following events:
 - a. the plan is found inadequate during an emergency,
 - b. the Facility changes its design or operating methods,
 - c. the list of emergency coordinators or equipment changes, or
 - d. a revision is warranted that will lessen the risk of injury to health or the environment.
2. The PCB spills occurring at the Facility shall be cleaned up immediately to levels required by the PCB Spill Cleanup Policy. The Facility shall submit reports monthly of any spill(s) occurring within the previous 30-day period, and what action was taken to remediate the spill(s).

3. The release of PCBs into the environment is cause for the Facility to immediately initiate clean-up. The Facility shall also initiate an investigation into the cause and potential impact of the release and provide a detailed written report to the EPA Region 6 RCRA Permits Section within 30 days of the discovery of the release.
4. Any PCB spills or releases occurring at the Facility, or from any Facility-owned PCB transport vehicle, shall be cleaned up according to the PCB Spill Cleanup Policy, 40 CFR Part 761, Subpart G. If a PCB spill or release to the environment cannot be cleaned up to EPA standards within twenty-four (24) hours, a Facility official shall notify the EPA Region 6 RCRA Permits Section of the circumstances of the spill, the estimated time of cleanup, and a justification for the length of time of cleanup. The EPA may order cessation of further PCB storage and/or treatment at the Facility if spills or releases are not cleaned up to acceptable levels as defined by EPA.
5. Emergency contacts, telephone numbers, and emergency exit routes shall be posted in prominent locations throughout the Facility.
6. The Facility shall maintain an adequately trained emergency coordinator(s) who shall be available or on-call at all times to direct emergency procedures as outlined in the Contingency Plan.
7. The Facility shall maintain in good working order any equipment required to deal with these emergencies. The Facility shall keep in good working order the following emergency equipment:
 - a. an internal communication or alarm system capable of providing immediate emergency notification to Facility personnel,
 - b. communication devices capable of summoning emergency assistance from local police, fire, or emergency response departments,
 - c. portable fire extinguisher, fire control equipment, spill control equipment, and decontamination equipment, and
 - d. water at adequate volume and pressure to supply fire hose streams for foam equipment.
8. At a minimum, the Facility shall test and/or check monthly the equipment specified above to assure its proper operation. A record of the monthly inspections shall be kept by the Facility for three years.

I. RECORD KEEPING AND REPORTING

1. The Facility shall comply with all applicable monitoring and recordkeeping requirements as specified in 40 CFR § 761.180 for commercial storers. All PCB records, documents, and reports shall be maintained at the Facility, and shall be made available for inspection by authorized EPA representatives. Any modification or correction of the records shall be initialed and dated by the supervisor in charge.
2. The Facility shall maintain an inventory of PCBs and PCB Items in storage. The inventory shall include a description of each PCB Item, the date it was taken out of service, and the date shipped off-site for disposal.
3. Records relating to PCB sampling and analysis shall be retained by the Facility for five years. These records shall include the following information:
 - a. date of each sample collected,
 - b. volume of each sample collected,
 - c. the name of the person who collected the sample, and
 - d. the name of the company that analyzed the sample, along with the name of analyst, the date the sample was analyzed, the method used, and the reported result.

For facilities that analyze PCB samples at an onsite laboratory, sample volume records are not required if the remainder of the sample is returned to the onsite stored PCB Item from which the sample was taken.

4. Following each spill cleanup action, the Facility shall develop and maintain records of the cleanup in accordance with 40 CFR §§ 761.120-135, of the PCB Spill Cleanup Policy. These records shall include:
 - a. identification of the source of the spill,
 - b. estimated or actual date and time of the spill occurrence,
 - c. date and time cleanup was completed,

- d. description of the spill location,
 - e. pre-cleanup sampling data used to establish spill boundaries, if required, because of insufficient visible traces, and a description of the sampling methodology used,
 - f. amount and type of waste cleanup material generated,
 - g. description of the solid surfaces cleaned and of the double wash/rinse method used, and if soil is the contaminated media, the depth of soil excavated and amount of soil removed for disposal,
 - h. post-cleanup verification sampling information such as a description of the sampling methodology used, the number of samples analyzed, and the analytical data, and
 - i. a certification by the appropriate Facility officials stating that the cleanup levels required by EPA were achieved, and that the record is true to the best of his/her knowledge.
5. The Facility shall maintain copies of certificates of disposal provided by the commercial disposal Facility for all PCBs and PCB Items which have been stored at the commercial storage Facility. The Facility is the generator when manifesting PCB wastes off-site for proper disposal.
6. The Facility may utilize electronic formats to maintain any required records and reports.

J. INSPECTIONS AND ENTRY

The Facility shall allow an authorized representative, upon presentation of credentials and other documents as may be required by law to:

- 1. enter the Facility where PCBs and PCB Items are being handled, or stored,
- 2. have access to and copy, at reasonable times, any records that shall be kept pursuant to the Toxic Substances Control Act (TSCA) PCB regulations,

inspect any facilities, equipment practices, or operations required under this approval or the TSCA PCB regulations, and

3. sample or monitor for the purposes of assuring that the Facility is operating in compliance with the conditions of this approval and the TSCA PCB regulations.

K. INFORMATION REQUESTS

The Facility shall provide to the Regional Administrator (RA), to the attention of the Director, Multimedia Division), within a reasonable time, any relevant information which may be requested to determine whether cause exists for modifying, revoking, reissuing, or terminating this approval, or to determine compliance with this approval. The Facility shall also provide to EPA, upon request, copies of records required to be kept pursuant to the TSCA PCB regulations.

L. TRANSFER OF OWNERSHIP

The Facility shall notify the RA, to the attention of the Director, Multimedia Division, at least ninety (90) days before transferring ownership of the Facility. The Facility shall also submit to the RA, at least ninety (90) days before such transfer, a notarized affidavit signed by the transferee stating that the transferee shall abide by all provisions of this PCB storage approval. After receiving such notification and affidavit, and other such documents as EPA may require, EPA may issue an amended Approval substituting the transferee's name for the Facility name, or EPA may require the transferee to apply for a new PCB commercial storage approval. The transferee shall not operate under the Approval until the RA issues an Approval in the transferee's name. The transferor shall maintain financial assurance for the Facility until the transferee's application has been approved and the transferee has demonstrated that it has established financial assurance for closure pursuant to 40 CFR § 761.65(g).

M. EFFECTIVE DATE OF APPROVAL

This approval becomes effective on the date of the approval letter, and shall expire at midnight the same month and day five years later. The facility should notify EPA in writing at least six months before the expiration date to request re-authorization of this approval. If a request for renewal has been received at least six months before the expiration date, the expiration date shall be administratively continued until a final determination is made on your renewal request. An approval request shall contain information which demonstrates that the Facility complies with the applicable parts of 40 CFR Part 761.

END OF APPROVAL CONDITIONS