NOTICE OF DEFICIENCY

TSCA Permit Renewal Application (dated July 15, 2017)

Chemical Waste Management, Inc. - Kettleman Hills Facility

EPA ID. N0.: CAT 000 646 117

December 21, 2017

General

1. The Application should include a section that lists the units and activities for which Chemical Waste Management, Inc. (CWMI) is requesting U.S. EPA approval. The list should be divided between those units/activities that are currently approved and those that CWMI is requesting a new approval.

Section 4.1 – PCB Storage, Draining, Flushing and Secondary Containment

2. The PCB building secondary containment volume calculations account for displacement from fixed structures, equipment and supplies stored within the building, and 300 drums stored 2 high on pallets. The secondary containment calculation, however, does not account for displacement from the 10,082 gallon storage tank housed in the building. The containment volume calculations must be redone to account for the displacement from the tank and the maximum storage capacity for the building adjusted to assure compliance with 40 CFR 761.65(b)(ii). Conforming changes must also be made to the Part B Permit Renewal Application. [40 CFR 761.65(b)(ii)]

3. The secondary containment volume calculations for the outside containment area at the PCB Flushing and Storage Unit (PCB F/SU) (Attachment 7) "conservatively" assume that no secondary containment capacity is available from half of the pad. The document, however, does not provide sufficient information to determine whether this is in fact a conservative assumption and must be revised to provide the necessary information. [40 CFR 761.65(b)(ii)]

4. Approval by U.S. EPA of a maximum PCB storage capacity in either the building or outside containment area of the PCB F/SU does not relieve CWMI of any requirements related to safe container management including providing adequate aisle spacing and maximum container stacking height. [40 CFR 761.50(a)(6)]

5. This section states "PCB wastes received at KHF that are not subject to this regulation under TSCA (i.e., PCB waste with a concentration less than 50 ppm) …." U.S. EPA notes that PCB waste under 50 ppm may be regulated for disposal under 40 CFR part 761 and recommends removing the parenthetical statement from this sentence both in the TSCA Application and in section 14.3a of the Part B Permit Renewal Application. [40 CFR 761, subpart D]

6. 40 CFR 761.50(a)(2) prohibits the processing of liquid PCBs into non-liquid forms to circumvent the high temperature incineration requirements of § 761.60(a). Sections

761.60(a)(3) and 761.75(b)(8) do allow PCB liquids from incidental sources (such as precipitation, condensation, leachate or load separation) associated with PCB Articles or nonliquid PCB wastes to be disposed of in a landfill provided the liquids do not exceed 500 ppm, are not an ignitable waste, and are stabilized to eliminate free liquids. Drained oils and flushing solvents from transformers and drums do not qualify for landfilling under § 761.60(a)(3) and must be disposed of by high-temperature incineration. Text in section 4.1 (bottom of page 10) that states these PCB liquids may be stabilized at the FSU or otherwise disposed onsite at KHF must be removed. [40 CFR 761.50(a)(2); § 761.60(a)(3); and § 761.75(b)(8)]

7. 40 CFR 761.65(c)(8) requires PCB Items be dated on the item when they are removed from service for disposal and that storage of PCB Items be managed so that they can be located by this date. CWMI must address this requirement in the Application. [40 CFR 761.65(c)(8)]

8. 40 CFR 761.65(c)(8) also requires that storage containers have a record that includes, for each batch of PCBs added, the quantity of the batch and date the batch was added to the container. The record must also include the date, quantity, and disposition of any batch of PCBs removed from the container. CWMI must address this requirement in the Application. [40 CFR 761.65(c)(8)]

9. The TSCA Operations Plan (page 4) includes "container evacuation" as one of the operations that will take place at the PCB Building and Outside Containment Pad. Container evacuation is not one of the operations listed in Section 4.1 of the Application. The description of operations at each unit should be consistent throughout the Application.

10. Under the omnibus authority in 40 CFR 761.65(d)(4)(iv), U.S. EPA will require as a condition of any approval of the PCB F/SU that CWMI conduct quarterly wipe sampling of its Facility in all areas where PCBs are handled or may be tracked to assess maintenance procedures and to ensure PCB levels remain below regulatory thresholds. CWMI may conduct its own sampling for three of the quarters; the fourth quarter must be done by a third party hired by CWM. Revise the Application to include a quarterly wipe testing plan that includes the elements listed in Appendix A of this Notice of Deficiency (NOD). Data from the proposed quarterly wipe sampling events at the Facility should be sent to U.S. EPA on an annual basis. However, if PCBs above the threshold are detected during any wipe sampling event, CWMI should immediately notify U.S. EPA. [40 CFR 761.65(d)(4)(iv)]

    EPA understands that CWMI is already conducting sampling of the PCB F/SU. Please include the latest testing results in the response to this NOD.

<u>Section 4.1.1.1. – Future Recirculation Tank</u>

11. The TSCA application does not provide adequate information for U.S. EPA to determine whether the proposed future recirculation tank meets the requirements of 40 CFR part 761. CWMI must either provide sufficient information for U.S. EPA to make the determination

or remove the request for installation of recirculation tank from the Application. [40 CFR 761.65(d)]

Section 4.1.1.2. – Final Stabilization Unit (FSU)

12. Under the omnibus authority in 40 CFR 761.65(d)(4)(iv), U.S. EPA will require as a condition of any approval of the FSU that CWMI conduct quarterly wipe sampling of its Facility in all areas where PCBs are handled or may be tracked to assess maintenance procedures and to ensure PCB levels remain below regulatory thresholds. CWMI may conduct its own sampling for three of the quarters; the fourth quarter must be done by a third party hired by CWMI. Revise the Application to include a quarterly wipe testing plan that includes the elements listed in Appendix A of this Notice of Deficiency (NOD). Data from the proposed quarterly wipe sampling events at the Facility should be sent to U.S. EPA on an annual basis. However, if PCBs above the threshold are detected during any wipe sampling event, CWMI should immediately notify U.S. EPA and report. [40 CFR 761.65(d)(4)(iv)]

13. CWMI must address the 40 CFR 761.65(c)(4) requirement that no item of movable equipment that is used for handling PCBs and PCB Items in a storage unit and that comes in direct contact with PCBs shall be removed from the storage unit area unless it has been decontaminated as specified in § 761.79 for mobile equipment used in the FSU. [40 CFR 761.65(c)(4)]

14. The FSU must be marked as required by 40 CFR 761.65(c)(3) and § 761.40(a)(10).

Section 4.1.1.2.a.ii – Storage Requirements

15. The TSCA Operations Plan (page 4) indicates that storage without treatment of PCB waste at the FSU will only occur when inclement weather make access to the landfill unsafe. This section does not include the same limitation. The Application must clarify under what conditions and for how long PCB waste will be stored at the FSU. [40 CFR 761.65(d)(4)(iv)]

Section 4.1.1.2.b. – Bulking of RCRA Waste, NON-RCRA Waste, Non-Hazardous Waste and TSCA Waste

16. 40 CFR 761.65(c)(8) requires that storage containers have a record that includes for each batch of PCBs added or removed from the container the quantity of the batch and date the batch was added to the container. The bulking of TSCA waste at the FSU is subject to this requirement and it must be addressed in the Application. [40 CFR 761.65(c)(8)]

Section 4.1.1.3. – Bulk Storage Units (BSU) I and II

17. The Bulk Storage Units do not meet the minimum facility design standards for PCB storage units in 40 CFR 761.65(b)(1).

Several provisions of 40 CFR part 761 provide options for allowing storage of PCB Items. For CWMI to propose use of any of these options to allow storage of PCB Items in the BSUs would require further revisions to the TSCA Application.

18. The BSUs must be marked as required by 40 CFR 761.65(c)(3) and § 761.40(a)(10).

Section 4.2 – PCB Disposal

19. As noted before, 40 CFR 761.50(a)(2) and § 761.60(a)(3) together prohibit the solidification and land disposal of PCB liquids except for those PCB liquids from incidental sources (such as precipitation, condensation, leachate or load separation) associated with PCB Articles or nonliquid PCB wastes, provided the liquids do not exceed 500 ppm and are not an ignitable waste. This section must be revised to include this limitation on which PCB liquids may be solidified for disposal in the landfill. [40 CFR 761.50(a)(2) and § 761.60(a)(3)]

Section 4.3.1.a. – Treatment of RCRA/TSCA Waste

20. The TSCA Application states that treatment includes stabilization of specific types of TSCA soils; microencapsulation, and macroencapsulation. The use of "includes" implies that other unidentified treatments of RCRA/TSCA waste may also occur at the FSU. The Application must include the complete list of treatments for PCB wastes that will be performed at the FSU as otherwise it does not provide sufficient information for U.S. EPA to determine if the operation does not present an unreasonable risk of injury to health or the environment from PCBs as required by 40 CFR 761.65(d)(2) and 761.75(c)(3). [40 CFR 761.65(d)(4)(iv)]

Section 4.3.1.b. – Solidification of TSCA Waste Management

21. As noted before, 40 CFR 761.50(a)(2) and 761.60(a)(3) prohibit the solidification of most PCBs liquids except for those PCB liquids from incidental sources (such as precipitation, condensation, leachate or load separation) associated with PCB Articles or nonliquid PCB wastes, provided the liquids do not exceed 500 ppm and are not an ignitable waste. This section must be revised to include this limitation on which PCB Liquids may be solidified for disposal in the landfill. [40 CFR 761.50(a)(2) and § 761.60(a)(3)]

Section 4.3.1.c – Shredding RCRA Waste and TSCA Waste

22. Shredding of TSCA Waste will be a new operation at the FSU. The Application does not provide sufficient information on this process for U.S. EPA to determine if the operation does not present an unreasonable risk of injury to health or the environment from PCBs as required by 40 CFR 761.65(d)(2) and 761.75(c)(3). Specifically, the Application does not contain information on how PCB waste will be contained during the shredding operation and will not be dispersed to other areas of the FSU and the exterior areas during the operation. 40 CFR 761.65(d)(2) and 761.75(c)(3)

Section 5.3 – Flood Protection

23. Note: Section 19.2.4(A) in the Part B Permit Renewal Application references the 2009 version of the Stormwater Pollution Prevention Plan rather than the 2015 version.

Section 5.5.1. – [Ground]Water Sampling

24. 40 CFR 761.75(b)(6)(i)(A) requires groundwater from the disposal site area be sampled prior to commencing operations for use as baseline data. While the Application states that baseline groundwater samples from Landfill B-18 wells were collected and analyzed prior to waste acceptance into the unit, it does not provide any information on the results of the analysis. The Application must contain a summary of the baseline data. [40 CFR 761.75(b)(6)(i)(A)]

25. Text in this section must be revised to state that changes to the groundwater monitoring program that affect the PCB groundwater monitoring program must also be approved by U.S. EPA. [40 CFR 761.75(c)]

26. U.S. EPA reviewed the TSCA-related portions of the "Site-Specific Water Quality and Soil Gas Monitoring Plan" (July 2017) ("SSMP") referenced in the Application but is not providing comments at this time. We understand that CWMI is discussing revisions to the SSMP with the Department of Toxic Substances Control. We are, therefore, deferring our comments on the SSMP until a later date. U.S. EPA requests that CWMI inform EPA of the outcome of these discussions.

Section 5.5.2. – Groundwater Monitoring Wells

27. Monitoring Well Design – 40 CFR 761.75(b)(6)(ii)(B) sets specific design standards for groundwater monitoring wells at chemical waste landfills. The Application acknowledges these standards and states the construction documentation for the wells is kept in the facility operating record. For completeness, that documentation must be included in the Application. [40 CFR 761.75(b)(6)(ii)(B)]

Section 5.5.3. – Groundwater Sample Analysis

28. The Application must address the specific recordkeeping requirements for chemical waste landfills in 40 CFR 761.180(d).

Section 5.6 – Leachate Collection and Removal System

29. CWMI must review, revise as needed, and submit as part of the Application the Vadose Response Plan for Landfill B-18 and Response Action Plan (RAP) for Landfill B-18. Theses Plans must meet the requirements of 40 CFR 264.304. In addition, CWMI must identify the Action Leakage Rate or Rates for Landfill B-18. [40 CFR 761.75(c)(2)]

Section 10.1.1. – PCB Flushing/Storage Unit

30. The discussion of building storage capacity in this section is inconsistent with secondary containment capacity calculations in Attachment 6. The text in this section states that the

PCB building can store 52 drums on 13 pallets on the floor. The text in Attachment 6 gives these figures as 150 drums on 38 pallets. The texts should be made consistent. As noted previously, the secondary containment calculation does not account for displacement from the 10,082 gallon storage tank housed in the building. The containment volume calculations must be redone to account for the displacement from the tank and the maximum storage capacity for the building adjusted to assure compliance with 40 CFR 761.65(b)(1)(ii).

31. The outside containment area at the PCB F/SU does not meet the minimum facility design standards for PCB storage units in 40 CFR 761.65(b)(1).

    If CWMI intends to use the outside containment area for the temporary storage of PCB Items as allowed by 40 CFR 761.65(c)(1), then it must revise the Application to limit storage in the outside containment area to those PCB Items listed in § 761.65(c)(1) and include procedures for labeling of the items with the date of their removal from service. If CWMI intends to store liquid PCB waste > 50 ppm in the area, it must submit the current Spill Prevention, Control and Countermeasure Plan developed in accordance with 40 CFR part 112 for the outside containment area. [40 CFR 761.65(c)(1) and 40 CFR 761.65(c)(1)(iv)]

    Several provisions of 40 CFR part 761 provide options for allowing storage of PCB Items for longer than 30 days after their removal from service. For CWMI to propose use of any of these options to allow storage of PCB Items in the outside containment area for longer than 30 days after their removal from service would require further revisions to the TSCA Application.

32. While the Application acknowledges the temporary storage time limit in 40 CFR 761.65(c)(1) “for up to thirty days from the date of their removal from service,” it notes that approximately half of the TSCA waste received at KHF is already past 30 days from the date of their removal from service. Delays in receiving waste at KHF do not exempt the waste from the temporary storage limitation in § 761.65(c)(1). The language in this section must be revised to be consistent with § 761.65(c)(1).

<u>Section 10.1.2 – Final Stabilization Unit (FSU)</u>

33. 40 CFR 761.65(d)(3)(vi) requires the applicant for a commercial storage facility approval to provide an estimate of maximum PCB waste quantity to be handled at the facility. U.S. EPA requests that this information be provided for each individual storage unit. CWMI must provide an estimate of the maximum amount of PCB waste that will be stored in FSU at any one time. [40 CFR 761.65(d)(3)(vi)]

34. The Application (Part B Permit Renewal Application Section 15.0) must be revised to state that liquids removed from the FSU sump will be tested for PCBs prior to disposal and that disposal of any liquids recovered from the sump will be in accordance with 40 CFR part 761, subpart D. [40 CFR 761.65(d)(4)(iv)]

35. The Application must be revised to assure compliance with 40 CFR 761.65(c)(4) that no item of movable equipment that is used for handling PCBs and PCB Items in the storage units and that comes in direct contact with PCBs shall be removed from the storage unit area unless it has been decontaminated as specified in § 761.79. [40 CFR 761.65(c)(4)]

Section 10.1.3 – Bulk Storage Units (Phase I and II)

36. 40 CFR 761.65(d)(3)(vi) requires the applicant for a commercial storage facility approval to provide an estimate of maximum PCB waste quantity to be handled at the facility. EPA requests this information be provided for each individual storage unit. CWMI must provide an estimate of the maximum amount of PCB waste that will be stored in each BSU at any one time. [40 CFR 761.65(d)(3)(vi)]

37. The Application (Part B Permit Renewal Application Section 14.4c) must be revised to state that liquids removed from the sump will be tested for PCBs prior to disposal and that disposal of any liquids recovered from the sump will be in accordance with 40 CFR part 761, subpart D. [40 CFR 761.65(d)(4)(iv)]

Section 10.2.1. – (Storage in Tanks) PCB Flushing/Storage Unit

38. The maximum capacity calculations for the PCB F/SU building need to be revised. See NOD Comment 2. The maximum secondary capacity of the tank may need to changed based on these revised calculations. Conforming changes to the Part B Permit Renewal Application, Chapter 15.0 must be made.[40 CFR 761.65(b)(1)(ii)]

Section 11. – Local, State, or Federal Approvals

39. Table 2 in Attachment 9 should be updated as needed. If the San Joaquin Valley Air Pollution Control District finalizes its proposal to renew KHF's Title V Operating Permit, then CWMI should submit a copy of the renewed permit with the Application. [40 CFR 761.75(c)(1)(viii)]

Section 14 – Closure Plan and Financial Assurance

40. 40 CFR 761.65(d)(3)(viii) and (ix) require that TSCA Applications include closure plans and closure cost estimates, respectively. Revise the text to state that the closure plan and closure cost estimates are included as part of the TSCA Application.

Closure and Post Closure Plan, Certification (p. i).

41. 40 CFR 761.65(f)(1) requires the closure cost estimate be certified, using the certification language in § 761.3, by the person preparing the estimate. The current certification does not use the language required in § 761.3. CWMI must revise the certification to meet the requirements of 40 CFR 761.65(f)(1).

Closure and Post Closure Plan, section 2.7.1

42. Section 40 CFR 761.65(d)(3)(viii) requires applications for PCB storage units to include a written closure plan meeting the requirements of § 761.65(e). The Closure Plan states that the PCB F/SU will be closed in accordance with the requirement of § 761.65(e) but does not address closure of the FSU or BSUs under this section. Revise the Application to include closure of these units in accordance with § 761.65(e).

43. 40 CFR 761.65(e)(1) requires that the owner or operator to close a PCB waste 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." Revise Section 2.7.1 to include this closure performance standard for PCBs.

44. The Closure Plan must specify the PCB concentration levels needed to achieve clean closure. 40 CFR 761.65(e)(1)(iv) specifies that a closure plan must include "A detailed description of the steps needed to remove or decontaminate PCB waste residues and contaminated containment system components, equipment, structures, and soils during closure in accordance with the levels specified in the PCB Spills Cleanup Policy in subpart G of this part."

    The PCB Spills Cleanup Policy at § 761.125(c)(4) specifies the following PCB cleanup levels:

    - Indoor solid surfaces and high contact outdoor solid surfaces: Less than 10 micrograms per 100 cubic centimeters ("μg/100 cm^2")

    - Low contact outdoor impervious solid surfaces: Less than 10 μg /100 cm^2

    - Low contact outdoor nonimpervious solid surfaces: Less than 10 μg /100 cm^2 or 100 μg/100 cm^2 with encapsulation

    - Soil: 10 parts per million ("ppm"), soil excavation to a minimum depth of 10 inches, and replacement of excavated material with soil containing not more than 1 ppm PCBs

      Using the 10 ppm soil cleanup level and 10 inch cap would require a deed restriction as discussed in § 761.61(a)(7) and § 761.61(a)(8). As an alternative, CWMI may elect to use the cleanup levels specified in § 761.61(a)(4)(i)(A) and § 761.61(a)(4)(ii) that are at least as stringent as those in 40 CFR § 761.125(c)(4). These concentrations, which are listed below, are applicable for demonstrating clean closure because they are for PCB cleanups in high occupancy areas without the need for further conditions such as a deed restriction.

    - For soils and porous concrete, the clean closure standard for PCBs is less than 1 ppm

    - For non-porous surfaces, the clean closure standard is 10 μg /100 cm^2

45. 40 CFR 761.65(e)(1)(iv) specifies that a closure plan must include "A detailed description of the steps needed to remove or decontaminate PCB waste residues and contaminated

containment system components, equipment, structures, and soils during closure." To meet this requirement, the Closure Plan must include the sampling and analysis plan that will be used to characterize the extent of contamination at each PCB storage unit and to verify completion of the cleanup. [40 CFR 761.65(e)(1)(iv)]

Closure and Post Closure Plan Cost Estimates Table B-6-2

46. The closure of the FSU will require concurrent closure of the baghouse; however, the cost estimates for the FSU's closure do not appear to include costs associated with clean closing the baghouse associated with the FSU. Revise the closure cost estimates to include costs associated with closing the baghouse. [40 CFR 761.65(f)(1)(i)]

Closure and Post Closure Plan Cost Estimates Tables A-3 and B-7-2.

47. Table A-3 "Maximum Quantity of Waste in Inventory for Containers and Tanks" does not include PCB waste stored in the outside containment area at the PCB F/SU and the closure cost estimates for the unit do not include processing and disposal of this inventory. Revise Tables A-3 and B-7 to include the inventory in the outside containment area and its costs of disposal. [40 CFR 761.65(f)(1)(i)]

Closure and Post Closure Plan Cost Estimates, Table B-7-2

48. The closure cost estimate assumes the remaining inventory of 300 drums in the PCB F/SU building will be landfilled rather than sent for incineration. Elsewhere in the Application, CWMI has stated that liquids from the draining of transformers may be stored in drums at the PCB F/SU. These PCB liquids, even if solidified, cannot be landfilled. Revise the closure cost estimate to cover incineration of the drum inventory at the PCB F/SU building. [40 CFR 761.65(f)(1)(i)]

Section 14.2. – Closure and Post-Closure Estimates

49. CWMI must submit updated closure and post-closure cost estimates to U.S. EPA annually. The submittal of the annual cost update should be added to the Table 3 Summary Table of Regulatory Submittals. [40 CFR 761.65(f)(2), § 761.65(d)(4)(vi), and 761.75(c)(3)(ii)]

TSCA Operations Plan

Recordkeeping Procedures (page 2)

50. U.S. EPA revised its requirements for PCB waste disposal records and reports in 40 CFR part 761, subpart K (§§ 761.202 – 761.219). These revisions affect, among other things, the manifest requirements that were formally in §§ 761.207 through 761.210. CWMI must review its PCB recordkeeping and reporting procedures to assure they meet the revised requirements in subpart K. [40 CFR 761, subpart K]

51. 40 CFR 761.65(c)(8) requires storage of PCB Items be managed so that they can be located by the date they were removed from service for disposal. The list of information

contained in KHF's PCB-specific computerized tracking system does not include the removal-from-service-date. CWMI must modify its PCB tracking system to allow PCB waste to be located by its removal-from-service date. [40 CFR 761.65(c)(8)]

52. The Application must address the additional recordkeeping requirements for chemical waste landfills in 40 CFR 761.180(d).

Surface Water Handling Procedures (page 3)

53. CWMI must include information on how and where the collected precipitation that has contacted waste will be stored pending analysis and disposal and the maximum time the collected precipitation will be stored prior to disposal. CWMI's current TSCA approval (March 19, 1992) in Attachment C requires that all accumulated precipitation removed from Landfill B-18 be stored in above-ground tanks, containers, or vacuum trucks for a period not to exceed ninety calendar days and that all tanks or containers (excluding vacuum trucks) used for this purpose be placed in a containment system as described in 40 CFR 264.175(b). [40 CFR 761.75(c)(8)]

Landfill Construction (Excavation) and Operation (Backfilling) (pages 3-6)

54. Solidification of Wet Loads. 40 CFR 761.60(a)(3) allows PCB liquids from incidental sources (such as precipitation, condensation, leachate or load separation) associated with PCB Articles or nonliquid PCB wastes to be disposed of in a landfill provided the liquids do not exceed 500 ppm and are not an ignitable waste. Section 761.75(b)(8), however, requires that bulk liquids to be pretreated and/or stabilized (e.g., chemically fixed, evaporated, mixed with dry inert absorbant) to reduce its liquid content or increase its solid content so that a non-flowing consistency is achieved to eliminate the presence of free liquids prior to final disposal in a landfill. The statement in this section that 40 CFR 761.60(a)(3) allows a chemical waste landfill to dispose liquids without solidification is incorrect and must be revised. [40 CFR 761.75(b)(8)]

55. The Application (section 4.3) includes shredding as one of the operations that will take place at FSU. Shredding is not one of the operations listed in this section of the TSCA Operation Plan. The description of operations at each unit should be consistent throughout the Application. [40 CFR 761.65(d)(4)(iv)]

Leachate Collection Systems (page 7)

56. The TSCA Operations Plan must include the requirement that CWMI notify U.S. EPA immediately of any detection of PCBs in samples from groundwater monitoring wells, leachate collection systems or run-on and accumulated precipitation from Landfill B-18. [40 CFR 761.75(c)(3)]

Sampling and Monitoring Procedures (page 8)

57. EPA's comments on groundwater monitoring, leak detection, and leachate analysis are above. See NOD Comments 27, 28 and 29.

Contingency Plan

58. The Contingency Plan (Part B Permit Renewal Application, Chapter 35) must be modified to state that 1) CWMI will notify U.S. EPA immediately when the Contingency Plan is implemented at any TSCA-approved unit or because of a spill involving PCBs anywhere at the facility and 2) CWMI will submit a written report to U.S. EPA that provides details of any incident requiring implementation of the Contingency Plan as it relates to PCBs within 15 days of implementation. [40 CFR 761.65(d)(4)(iv), § 761.75(b)(8), and § 761.75(c)(3)]

Other TSCA Application Comments

59. 40 CFR 761.65(d)(3)(iv) requires an application for a PCB storage facility to include information concerning any past State or Federal environmental violations involving the same business or another business with which the principals or supervisory employees were affiliated directly that occurred within 5 years preceding the date of submission and which relate directly to violations that resulted in either a civil penalty or judgment of conviction whether entered after trial or a plea, either of guilt or nolo contendere or civil injunctive relief and involved storage, disposal, transport, or other waste handling activities. U.S. EPA requests that CWMI include information going back to January 1, 2008. If there is no relevant information, the Application should state so. [40 CFR 761.65(d)(3)(iv), § 761.65(d)(4)(iv), and § 761.75(c)(3)].

60. Review of the compliance history of the facility is an important part of U.S. EPA's decision process on TSCA applications for PCB storage and disposal approvals. To assist our review, EPA requests that CWMI submit all DTSC, Regional Water Quality Control Board, County Public Health, and San Joaquin Valley Air District inspection reports received by the facility since January 1, 2013. [40 CFR 761.65(d)(4)(iv) and § 761.75(c)(3)]

61. Condition C in the CWMI's current approval contains four waivers of § 761.75(b) requirements. CWMI must determine whether it continues to require any of these waivers for operation of Landfill B-18. If so, it should provide a demonstration that a waiver of the specific § 761.75(b) requirement will not present an unreasonable risk of injury to health or the environment from PCBs.

Part B Permit Renewal Application

Chapter 12 – Waste Analysis Plan (WAP) Section 6.3.3.1 – Stabilization of Wastes Containing Free Liquids

62. 40 CFR 264.314(b) requires the use of Method 9095B (Paint Filter Liquids Test) to demonstrate the absence or presence of free liquids in containerized or bulk waste prior to disposal in a landfill. WAP Table 3-2 lists Method 9095 as the Paint Filter Test used at KHF. CWMI must revise the Application to require the use of Method 9095B when testing containerized or bulk TSCA waste for free liquids prior to disposal in Landfill Unit B-18. [40 CFR 761.75(b)(8) and 761.75(c)(3)]

Chapter 12 – WAP Section 6.3.4 – PCB Draining, Flushing and Storage Unit

63. 40 CFR 761.50(a)(2) and 761.60(a)(3) together prohibit the solidification and land disposal of most PCB liquids except for those PCB liquids from incidental sources (such as precipitation, condensation, leachate or load separation) associated with PCB Articles or nonliquid PCB wastes, provided the liquids do not exceed 500 ppm and are not an ignitable waste. This section must be revised to include this limitation on which PCB Liquids may be solidified for disposal in the landfill. [40 CFR 761.50(a)(2) and 761.60(a)(3)]

Section 14.3 – PCB Flushing/Storage Unit

64. This section states that "TSCA regulated PCB articles and waste stored at the PCB Flushing/Storage Unit shall be removed from storage and treated and disposed within one year *of the date when such wastes are first placed in storage*." (emphasis added). 40 CFR § 761.65(a) requires that PCB waste must be disposed of within one year of the date it was determined to be PCB waste and the decision was made to dispose of it. The text in the section must be revised to be consistent with § 761.65(a)(1).

65. Currently CWMI uses commercial grade diesel fuel to flush drained PCB Items and containers but reserves the ability to switch to a different solvent in the future. CWMI should assure that any future flushing solvent meets the requirements of 40 CFR 761.60(b)(1)(i)(B) and § 761.79(d) and is compatible with the sealant used on the Unit's floors and curbs. [40 CFR 761.60(b)(1)(i)(B), § 761.79(d), and § 761.65(b)(1)(iv)]

Section 14.5a – [Final Stabilization Unit] Overview

66. 40 CFR 761.50(a)(2) and 761.60(a)(3) together prohibit the solidification and land disposal of most PCBs liquids except for those PCB liquids from incidental sources (such as precipitation, condensation, leachate or load separation) associated with PCB Articles or nonliquid PCB wastes, provided the liquids do not exceed 500 ppm and are not an ignitable waste. This section (page 14-9) must be revised to include this limitation on which PCB liquids may be solidified for disposal in the landfill.

Section 14.7 – Future Units

67. CWMI is proposing to construct a new PCB Flushing/Storage Unit (including container storage and a tank) at the Facility. The Part B Permit Application does not provide adequate information for U.S. EPA to determine whether the proposed future Unit meets the requirements of 40 CFR part 761. CWMI must either provide sufficient information for U.S. EPA to make the determination or remove the request for a future PCB Flushing Storage Unit from the Application. [40 CFR 761.65(d)]

Section 15.3(b)a – Planned Expansion

68. CWMI is proposing to expand the FSU in several ways. The Part B Permit Application does not provide adequate information for U.S. EPA to determine whether the proposed FSU expansion meets the requirements of 40 CFR part 761. CWMI must either provide

sufficient information for U.S. EPA to make the determination, clarify that the expansion will not handle PCB waste, or remove the request for FSU expansion from the Application. [40 CFR 761.65(d)]

Appendix A – Elements of a Quarterly Facility Sampling Plan

The following is a template for the information that must be included in a sampling plan for a PCB commercial storage facility. This facility sampling program is to ensure compliance with 40 CFR part 761 cleanup levels and the protection of human health and the environment. [40 CFR 761.30(u) and § 761.65(d)(4)(iv)]

1. Sampling schedule
    - Specify the weeks and months that samples will be collected. Samples must be taken at least once per quarter.
2. Areas of the facility to be sampled
    - Specify the areas of the facility that will be tested:
        – Operational areas of the Facility, including the freezer.
        – Non-operational areas such as the breakroom, and outside the loading area and door at the back of the Facility.
        – Surfaces that are frequently touched, such as doors and door handles.
    - A minimum of one sample must be taken from each area.
3. Selection of random sample location within each area of the facility
    - Describe how sample locations will be determined. For flat or nearly flat surfaces, consider using the sample site selection procedures in 40 CFR 761.302(a). Only one randomly selected grid square needs to be sampled per round of sampling.
4. Sampling procedure that will be used
    - The standard wipe test protocol must be followed. For the purposes of this quarterly facility sampling plan, coated concrete floors will be considered a non-porous surface provide the coating is intact.
5. Threshold to define PCB contaminated material
    - For non-porous surfaces: 10 µg/100 cm^2.
    - For porous surfaces: 1 ppm.
6. Party responsible for sampling
    - A third-party must conduct the sampling at least one quarter per year. Facility staff may conduct the sampling in the remaining 3 quarters.
7. Steps that will be taken to decontaminate any area found to be above the PCB threshold levels
    - If a sample shows PCB concentrations above the threshold, the extent of PCB contamination must be fully delineated and a cleanup process in accordance with 40 CFR 761.79 or 40 CFR 761 Subpart G (PCB Spill Cleanup Policy) must be initiated promptly.
8. When and how results will be reported

- A brief written report must be sent to the US EPA regulatory contact annually in July. The report must document the previous 4 quarters of sampling.
- Information in the report must include:
    a. Location of sampling.
    b. Dates samples were collected.
    c. Name of person collecting samples.
    d. Analytical results.
    e. Actions taken to decontaminate areas found to be greater than 10 µg/100 cm^2.
- US EPA must be notified promptly if any samples exceed 10 µg/100 cm^2 and a report providing results of the sampling event must be sent to US EPA within 30 days of receiving the sampling results.

9. Records that will be kept
    - Copy of report sent to EPA.

- Any documentation supporting information in the report sent to EPA including any laboratory reports.
- Records of the cleanup must be kept in accordance with the requirements of the chosen cleanup procedure.