

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 4

**61 Forsyth Street, SW
Atlanta, Georgia 30303**

In The Matter Of:

**Safety-Kleen Systems, Inc.
Smithfield Recycle Center
Smithfield, Kentucky 40068
EPA I.D. No. KYD053348108**

)
)
) **Approval to Commercially Store**
) **Polychlorinated Biphenyl Waste**
) **40 CFR § 761.65**
)

AUTHORITY

This Approval for Safety-Kleen Systems, Inc., Smithfield Recycle Center to commercially store Polychlorinated Biphenyls ("PCB") waste is issued pursuant to Section 6(e)(1) of the Toxic Substances Control Act ("TSCA"), 15 U.S.C. § 2605(e)(1), and 40 Code of Federal Regulations ("C.F.R.") Part 761, "Polychlorinated Biphenyls (PCBs) Manufacturing, Processing, Distribution in Commerce, and Use Prohibitions."

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BACKGROUND

Safety-Kleen Systems, Inc. Smithfield Recycle Center (“SRC”) operates a Facility located at 3700 LaGrange Road in Smithfield, Kentucky, which functions as a commercial storer of PCB waste (as defined in 40 C.F.R. § 761.3) that is engaged in storage activities requiring EPA approval. SRC also provides hazardous waste generators with a variety of other services. The Facility stores and consolidates a variety of industrial and hazardous wastes. Industrial wastes include chlorinated and fluorinated hydrocarbons, non-halogenated hydrocarbons, amines, alcohols, aliphatic and aromatic compounds, and waste oils. SRC has a Resource Conservation and Recovery Act (RCRA) Part B hazardous waste operating permit issued by the Kentucky Department for Environmental Protection. The Part B permit authorizes the facility to store and treat hazardous waste. This PCB Approval governs the management of PCB waste and PCB materials at SRC.

Safety-Kleen Systems Inc. is a subsidiary of Clean Harbors Environmental Services Inc., with headquarters located in Norwell, Massachusetts. On March 4, 2004, the EPA issued an Approval authorizing SRC to store PCB waste for ten years. On August 30, 2013, SRC submitted an initial renewal application to commercially store PCB waste. On September 9, 2013, SRC submitted a notice of intent to renew the PCB waste commercial storage Approval. On November 16, 2018, SRC submitted a revised renewal application. The application submitted on August 30, 2013, and the revised application submitted November 16, 2018, have been reviewed by the EPA and form the basis 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 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 a commercial storer 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 April 28, 2019, the authority of the Regional Administrator to issue Approvals was delegated to the Land, Chemicals and Redevelopment (LCR) Division Director.

FINDINGS

Upon review of the SRC Application, the 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 SRC’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 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 “Safety-Kleen Systems Inc., Smithfield Recycle Center Application” mean all data and materials upon which the EPA based its decision to approve SRC’s request for approval to commercially store PCBs and PCB Items, e.g., information submitted to the EPA by SRC to define, represent, or describe SRC’s commercial storage operations. This includes SRC’s August 30, 2013, renewal application, SRC’s November 16, 2018, revised application and any subsequent SRC application that the EPA approves in writing as a modification to this Approval.

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

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

“Delegate” means the EPA Region 4, LCR Division Director.

“PCB Program Coordinator” means the person designated in the EPA, which is Region 4’s PCB Program to coordinate all PCB approval activities of the Region. Mailing: USEPA Region 4, 61 Forsyth Street SW, Atlanta Federal Center, Mail Code: 9T25, Atlanta, Georgia 30303.

“EPA” means the United States Environmental Protection Agency, Region 4.

“SRC” means Safety-Kleen Systems, Inc. Smithfield Recycle Center, the company which owns and operates the storage unit at the PCB waste commercial storage facility located at 3700 LaGrange Road, Smithfield, Kentucky 40068, and which is approved to commercially store PCB waste under this Approval.

“SRC Facility” and “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 3700 LaGrange Road, in Smithfield, Kentucky 40068.

“Electrical equipment” means site-specific equipment identified in the SRC Facility closure plan.

“Footprint” means the area of the storage area floor space taken up by electrical equipment or PCB capacitors.

“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.

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

“Regional Administrator” means the EPA Regional Administrator, Region 4.

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

“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) SRC must operate its Facility in compliance with the conditions of this Approval and consistent with the information included in SRC Application. Noncompliance with any provision of the SRC Application and/or any condition of this Approval shall be deemed a violation and may subject SRC 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 the EPA to SRC.
- (c) SRC must comply with 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 SRC in its Application. If any of the conditions of this Approval are inconsistent with the provisions

of or information contained in the SRC Application or supporting documentation, SRC must comply with the conditions of this Approval.

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

2. Duty to Report Noncompliance

If at any time SRC 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, SRC shall notify the PCB Program Coordinator within 24 hours and shall submit a written report to the PCB Program Coordinator describing the noncompliance within five calendar days.

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

- (a) The EPA reserves the right to modify, suspend, revoke, or terminate this Approval:
 - 1) If SRC fails to operate the Facility in compliance with this Approval;
 - 2) 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, SRC shall provide information the EPA deems necessary to determine whether cause exists for modification, suspension, revocation or termination of this Approval. SRC shall provide such information within the time frame specified in the EPA's request, or if no time frame is specified, within 15 calendar days of the EPA's request unless impracticable;
 - 3) Upon discovering misrepresentation(s) or omission(s) of material fact(s) in the SRC Application; or
 - 4) For environmental civil violations committed by or criminal convictions of SRC, its principles or key employees.
- (b) The 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. The EPA reserves any rights and remedies available to

it under TSCA, the PCB Regulations, and any other Federal laws or regulations for which the EPA has jurisdiction, to enforce the provisions of this Approval.

4. Modifications

- (a) SRC must apply and receive written EPA approval for any modification to the SRC Application or to this Approval. SRC must not implement any such modifications until it receives written EPA consent.
- (b) Minor modifications to the SRC Application or to this Approval shall be submitted to the PCB Program Coordinator and shall be implemented only after receipt of EPA's written consent.
- (c) Major modifications to the SRC Application or to this Approval shall be submitted to the EPA LCR Division Director and shall be implemented only after receipt of EPA's written consent.

5. Approval Expiration/Renewal

- (a) This Approval shall expire ten 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 specified in condition A.5(b) and the EPA has determined in writing that the 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, SRC 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 C.F.R. § 761.65(d)(3). A complete renewal application is 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 SRC to submit additional information to support the renewal of this Approval. If SRC submits this information to the EPA at least 180 days prior to the expiration date of this approval, and the EPA has determined in writing that the application is complete, this Approval will continue in force (i.e., does not expire) until the EPA issues an Approval renewal, a conditional Approval renewal, or an Approval request denial. If SRC 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 SRC's intent to close.

6. Entry and Inspection

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

- 1) conduct interviews;
- 2) inspect and/or collect copies of records and monitoring data;
- 3) take sample(s); and
- 4) inspect, observe and document SRC's activities, equipment, work practices, operations and processes.

7. Change in Ownership or Operational Control

- (a) SRC shall notify the LCR Division Director in writing at least 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 PCB Program Coordinator. Along with such notification, SRC shall submit a request to modify the SRC Approval, along with a notarized affidavit signed by the intended transferee that provides the information required in all applicable provisions of 40 C.F.R. § 761.65(d)(3) and stating that it will abide by all conditions of the existing Approval, including the proposed modifications submitted in connection with the intended transfer of ownership or operation.
- (b) After receiving SRC'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 any other documents the EPA may require under 40 C.F.R. § 761.65(j)(2), the EPA may either:
 - 1) Modify the Approval to substitute the transferee's name for SRC and make other conforming minor modifications, or
 - 2) 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 Division Director issues an approval in the transferee's name.
- (d) SRC 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 modifies the existing Approval to substitute the transferee's name for SRC or issues a new Approval in the transferee's name.
- (e) The 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 the EPA finds that this Approval or the transferee's new approval will not prevent unreasonable risk of injury to health or the environment.

8. Transformers and Other Electrical Equipment.

If the PCB concentration of any transformer, or dielectric fluid within any transformer, received by SRC is not known at the time of receipt, SRC must treat the transformer as a PCB Transformer, (dielectric fluid is 500 ppm or greater PCBs) until testing proves otherwise.

9. Bankruptcy.

SRC must notify the EPA within 30 days after filing for bankruptcy so that the 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.

10. Change in Flood Plain Designation.

SRC must submit a written notification to the PCB Program Coordinator immediately upon re-designation of the Facility within a 100-year flood plain. The EPA may modify, suspend, revoke, or terminate this Approval if the 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.

11. Severability.

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

B. PCB Storage Management

1. PCB Storage Areas

- (a) SRC's approved PCB storage area is described below and depicted in "Attachment [A]." The on-site PCB storage area shall be maintained in compliance with 40 C.F.R. § 761.65 and the SRC Application.
- (b) The Drum Warehouse Building, Container Storage Area No.1 is a RCRA permitted storage area constructed of reinforced concrete with 6-inch-high curbs around the perimeter of the 43-foot-wide by 66-foot-long designated area. The container storage structure is constructed of a pre-engineered steel structure utilizing steel columns and roof beams. The walls and roof of the structure are painted steel panels affixed to the building's

steel superstructure. The northern wall of the building is constructed of concrete block. The storage area is protected by a roof to prevent rainwater from entering the containment area.

Operating procedures require that PCB containers be stored upon welded steel containment pans. The containment pans have dimensions of 5-foot-wide by 12-foot-long and 12 inches high. Each pan can stage the equivalent of (24) 55-gallon containers. The containment pans are utilized as additional secondary containment for the individual containers. The total capacity of each of the containment pans is approximately 450 gallons.

- (c) Storage of PCBs or PCB Items in an area other than the approved storage area or stored in a manner other than 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 ("MSC") and the categories of PCBs and PCB Items permitted to be stored in the Drum Warehouse Building, Container Storage Area No.1 at any time in the approved storage area is specified below. SRC shall not accept or store any PCBs or PCB Items which have not been described below or quantities more than 13,750 gallons (250 55-gallon container equivalents), unless otherwise approved by the EPA in writing on a case-by-case basis

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 e.g., PCB Transformers, PCB high or low voltage capacitors 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 Storage, Marking and Labeling

- (a) SRC 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 defined in 40 C.F.R. § 761.45.
- (b) SRC 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) SRC shall dispose of all PCBs and PCB Items within one year after they are taken out of service. If additional time is required for disposal, SRC shall comply with the requirements of 40 C.F.R. §§ 761.65(a)(2) and (3).

4. Storage Requirements for PCBs and PCB Items

- (a) Containers which hold PCBs and/or PCB Items shall not be stacked in a manner that could result in a spill outside the storage areas.
- (b) Larger containers shall not be stacked on top of smaller ones unless the weight of the upper container tier can be safely supported;
- (c) Containers having a capacity greater than 30 gallons (e.g., 55-gallon containers) shall not be stacked more than two tiers high;
- (d) Containers or items having capacity less than 30 gallons shall not be stacked more than four tiers high; and
- (e) Containers and articles shall be stored in rows no more than a single pallet wide (e.g., two 55-gallon containers wide).
- (f) An aisle with a minimum width of two feet 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.
- (g) Palletized boxes of PCB items will remain palletized and shrink wrapped as appropriate and may be stored up to two pallet loads high provided that the weight of the upper tier can be safely supported by the lower tier.

- (h) SRC 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 SRC as required by this Approval. During inspections conducted by the EPA authorized representative(s), SRC 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.
- (i) PCB containers and PCB article containers shall be stored so that required PCB marks, removed from service for disposal dates and other identification information can be easily read by any inspector.
- (j) Access to the PCB storage areas shall be restricted to workers that have completed training in accordance with condition F.4. and that are listed on the signature sheet described in condition I.3(e), except that workers that are working for or on behalf of SRC as of the effective date of this Approval that have been trained under previous versions of the SRC training manual shall be allowed access to the PCB storage areas for up to 60 days after the effective date of this Approval in order to complete the training described in condition F.4.
- (k) SRC must always document the PCB content of all incoming inventory to establish compliance with the conditions of this Approval. Sampling and analytical methods must comply with applicable provisions of the PCB Regulation.
- (l) If any PCB Container, PCB Article, PCB Article Container, or PCB Equipment is leaking, SRC 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 G.4.
- (m) 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.
- (n) 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.

5. Storage Area Inspection Requirements

- (a) PCBs and PCB Items in storage shall be inspected for leaks and spills daily. SRC need not document the daily inspections; however, any spills discovered during these routine inspections shall be cleaned up expeditiously, as specified in condition B.1(a) and reported

if required by condition G.3. Records of cleanup and disposal must be maintained in accordance with condition I.4.

- (b) At least once every 30 days, as required by 40 C.F.R. § 761.65(c)(5), SRC shall conduct a thorough inspection of each PCB storage area at the Facility. The following elements shall be included in the 30-day inspections:
- 1) PCBs and PCB Items in storage shall be inspected for leaks and spills;
 - 2) The PCB Containers, PCB Article Containers, PCB Equipment, and stationary storage containers (tanks), and ancillary equipment (valves, pipelines, etc.,) shall be inspected for leaks;
 - 3) The condition of PCB liquid and spent solvent storage tank shells, tank supports, and tank area curbing shall be inspected for cracks, leaks or deterioration;
 - 4) Tank vents, high liquid level alarm systems and liquid level indicators shall be inspected to make sure they are operating properly;
 - 5) The condition of the floor, joints and curbing in each of the approved PCB storage area shall be inspected at least semi-annually. Any needed repairs noted during such inspections shall be made within 30 days of the inspection date unless a longer repair period is authorized by the EPA; and
 - 6) Spill response and emergency equipment as described in the Spill Prevention Control and Countermeasure Plan submitted and approved as part of the SRC Application ("SPCC Plan") shall be inspected and replaced or replenished as necessary.
- (c) PCBs or PCB Items found leaking shall be transferred immediately 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 G.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. Sampling/Analysis

1. SRC shall use gas chromatography for chemical analysis of PCBs when testing samples collected during PCB spill cleanups and facility closure and for demonstrating compliance with the terms of this approval and the PCB regulations at 40 C.F.R. Part 761.
2. PCB concentrations for liquid, non-liquid, multi-phasic wastes shall be determined and reported as specified in 40 C.F.R. § 761.1 (b).

3. When determining PCB surface concentrations for purposes of verifying decontamination of non-porous surfaces and conducting PCB spill clean-up in accordance with the PCB Spill Cleanup Policy, SRC shall use a standard wipe test as defined in 40 C.F.R. § 761.123.

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

1. SRC shall maintain and operate the Facility to prevent fire, explosion, and releases of PCBs to the environment, and exposure of workers to PCBs.
2. The SRC Facility must be secured to restrict public access to PCBs stored on the premises.

F. Worker Protection

1. SRC workers with access to PCB storage area 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. SRC shall comply with all applicable health and safety standards, as required by federal, state and local regulations and ordinances.
3. SRC shall comply with the safety provisions of the SRC Application.
4. All employees hired after the date of this Approval must be trained, as specified in SRC's personnel training program and training schedule included in the Application. SRC shall ensure through documented training, that personnel, who are directly involved with handling PCBs are familiar with the requirements of this Approval, and regulatory requirements under 40 C.F.R. Part 761 as they relate to specific job tasks.
5. In addition, SRC 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. All SRC employees shall complete the appropriate training programs within six months of their assignment or procurement of any position at the facility pertaining to the management of TSCA regulated PCB waste. In addition to initial training, all workers with access to PCB storage areas must complete annual refresher training in accordance with the current SRC training manual.
6. Within 30 days of the effective date of this Approval, SRC shall update the manual it uses to train workers with access to PCB storage areas so that the training manual includes applicable requirements in the PCB Regulations, with emphasis on the requirements of the "Spill Cleanup Policy", 40 C.F.R. Part 761, Subpart G; the conditions of this Approval; and the SPCC Plan submitted and approved as part of the SRC Application.
7. SRC shall make its updated training manual available to the EPA upon request. The EPA shall have the right to review the updated SRC training manual and require SRC to correct

any deficiencies in a prompt manner. Within 60 days of the effective date of this Approval, SRC shall retrain all existing workers that have, or will have, access to PCB storage areas in accordance with the updated SRC training manual.

8. Except as provided in condition F.9, the PCB concentration of non-porous surface areas located outside of PCB storage areas shall not exceed $10\mu\text{g}/100\text{ cm}^2$ and all porous surface located outside of PCB storage areas shall not exceed 1 ppm.
9. The PCB concentration of food handling areas, including any locations where food or drink is prepared, stored or consumed shall not exceed concentration of $1\mu\text{g}/100\text{ cm}^2$ for non-porous surfaces and 1 ppm for porous surfaces.
10. Any person entering and leaving the PCB storage area must do so through a clean-in/clean-out station.
11. 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 surface located in the clean-in/clean-out station shall not exceed 1 ppm.
12. In the event the concentration of PCBs exceeds the levels set forth in conditions F.8, F.9, or F.11, SRC shall immediately begin decontamination of the affected area in accordance with applicable requirements of the PCB Regulations and this Approval. SRC shall not encapsulate any PCB-containing areas regardless of PCB concentration levels without specific prior written approval from the EPA.
13. SRC must report incidences of injury from or exposure to PCB, to the PCB Program Coordinator within 24 hours of becoming aware of such injury or illness.

G. PCB Spills and Releases

1. SRC has prepared and submitted a Spill Prevention, Control and Countermeasure Plan (SPCC Plan) that the EPA approved as part of the SRC Application. SRC 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. SRC 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 of any PCB spill or release as required under 40 C.F.R. § 761.125 shall be made to PCB Program Coordinator. A written report of the reportable spill incident under 40 C.F.R. § 761.125 must be submitted to the PCB Program Coordinator within five business days following the incident.

4. Any wastes generated because 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. SRC shall immediately report to the PCB Program Coordinator if, because of any unauthorized entry or operation at the Facility, where 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 SRC. Examples of unauthorized entry or operation at the Facility to be reported to the EPA include, but are not be limited to, tampering, destruction, or loss at the Facility which caused the release of PCBs.

H. Emergency Provisions

1. SRC shall follow the SPCC Plan whenever there is a fire, explosion, or release of PCBs or hazardous constituents.
2. Copies of the updated SRC training manual, SPCC Plan, and this Approval shall be maintained and be made available to all workers at the SRC Facility. Lists of emergency contacts, telephone numbers, and emergency exit routes shall be posted in prominent locations throughout the Facility. 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; 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;
 - (b) Portable fire extinguishers, fire control equipment, spill control equipment, and decontamination equipment; and
 - (c) Water at adequate volume and pressure to supply fire hose streams or foam equipment.
3. SRC 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 SRC, SRC shall establish and follow a testing and maintenance plan for those manufactured items.
4. Whenever PCBs are being poured, mixed, or otherwise handled, SRC 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.

5. At all times, there shall be at least one worker present at the SRC 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 SRC Application, or the PCB Regulations, or that are otherwise appropriate.
6. Within 30 calendar days from the initial issuance of this Approval, SRC shall provide a written description of storage activities, stored materials, and emergency procedures, as described in the SRC 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.
7. SRC shall review and promptly modify, if necessary, the SPCC Plan whenever:
 - (a) Such plan fails in an emergency; SRC changes the Facility's design, construction, operation, maintenance, or emergency response policies;
 - (b) A circumstance arises that materially increases the potential for fires, explosions, or releases of PCBs or hazardous constituents;
 - (c) The list of emergency coordinators changes;
 - (d) The list of emergency equipment changes;
 - (e) A revision is warranted to prevent an unreasonable risk of injury to health and the environment; or
 - (f) The EPA determines that a revision to such plan is necessary.
 - (g) SRC shall submit proposed major modifications to its SPCC Plan to the EPA in the form of a modified application and shall not implement such modifications until it receives written EPA approval.

I. Recordkeeping and Reporting

1. SRC shall comply with all applicable recordkeeping and reporting requirements of the PCB Regulations, including but not limited to, document logs, inspections, maintenance activities, annual records, annual reports, cleanup and disposal reports must be maintained in accordance with 40 C.F.R. §§ 761.180(a) and (b).

2. SRC shall maintain daily records of storage inventories which are enough to determine compliance with the Maximum Storage Capacity (MSC) and related requirements for PCBs and PCB Items specified in condition C.1.
3. SRC 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 D;
 - (b) The inspection requirements of condition C.5(b), which shall be in the form of inspection records;
 - (c) The cleanup and disposal requirements of conditions C.5(c)(d), G.2, and G.4;
 - (d) The repair requirements of condition C.5(d);
 - (e) The worker training requirements of conditions F.4 and F.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 SRC training manual on the date specified;
 - (f) The detection of exceedance(s) and decontamination requirements under conditions F.8, F.9, or F.11;
 - (g) The spill requirements of conditions G.1 and G.2; and the reporting requirement of condition G.3, which shall include the items, and certification, if applicable, required under 40 C.F.R. § 761.125;
 - (h) The disposal requirement of condition G.4;
 - (i) The equipment maintenance and testing requirements of condition H.3; and
 - (j) The emergency responder notification requirements of condition H.7; and
 - (k) Manifest requirements:

SRC shall comply with the following provisions of 40 C.F.R. Part 761, Subpart K, as applicable:

761.207 – Manifest – General requirements;

761.210 – Use of the manifest – Generator requirements;

761.213 – Use of the manifest – Commercial storage and disposal facility requirements;

761.214 – Retention of manifest records;

761.215 – Manifest discrepancies;
765.216 – Un-manifested waste report;
761.217 – Exception reports; and
761.219 – One-year exception reporting.

4. SRC 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 SRC Facility. SRC shall provide copies of certificates of disposal to the generator of PCBs and PCB Items that were stored at the SRC facility within 30 calendar days of receipt by SRC 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 an SRC worker authorized to make such change. If the recordkeeping is maintained electronically, SRC shall produce and maintain hard copy printouts when requested by the EPA and shall back-up the data daily. During any period in which the electronic recordkeeping system is rendered non-operational, SRC 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 SRC facility and shall be made available for inspection by the EPA authorized representatives. When SRC ceases operations, all such records shall be made available to the EPA at the SRC facility for a period of at least five years

following cessation of operations. If SRC 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 SRC and approved by the EPA in writing.

8. All reports, notifications and other information requested to be provided to the EPA shall be signed by an SRC officer or by the SRC 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:

PCB Program Coordinator
Environmental Protection Agency, Region 4
Atlanta Federal Center, 9T25
61 Forsyth Street, SW
Atlanta, GA 30303-8960

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

J. Closure and Financial Assurance

1. SRC 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 J.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 SRC Application is deemed acceptable under 40 C.F.R. § 761.65(e) and is incorporated by reference into this Approval. SRC shall comply with the approved Closure Plan and Closure Cost Estimate.
3. SRC has demonstrated financial assurance for closure of the SRC Facility as required by 40 C.F.R. § 761.65(g). SRC may not modify its mechanism for financial assurance without prior written approval from the EPA. SRC shall submit proposed changes to its financial assurance mechanism to PCB Program Coordinator and shall not implement such modification until it receives written approval from the EPA.
4. SRC shall adjust the Closure Cost Estimate annually to reflect inflation as required by 40 C.F.R. § 761.65(f)(2) within 60 days prior to the anniversary date of the establishment of the financial assurance instrument used (or, if using the financial test or corporate guarantee, within 30 days after the close of SRC's fiscal year). SRC shall submit a copy of the annually adjusted Closure Cost Estimate to the 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, SRC shall make a corresponding increase to its financial assurance mechanism. In the event modification to the financial assurance mechanism amount is required, SRC shall submit documentation of adequate financial assurance to the LCR Division Director.

5. SRC 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 SRC becomes aware of information indicating that the estimated costs associated with performing closure of the SRC Facility may exceed the current Closure Cost Estimate approved by the EPA, SRC shall modify the Closure Plan and/or Closure Cost Estimate, as appropriate. SRC shall submit proposed modifications to its Closure Plan and/or Closure Cost Estimate to the EPA in the form of a modified application and shall not implement such modifications until it receives written EPA approval. SRC 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 the 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 the EPA approves a modification which increases the Facility's Closure Cost Estimate, SRC shall make corresponding increases to its financial assurance and provide documentation to the EPA of such change no later than 30 days after such modification is approved by the EPA.
7. When an EPA-approved modification to the Facility increases the maximum storage capacity in Condition C.1, SRC shall notify the PCB Program Coordinator in writing no later than 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 30 days after notification of the completion of the modification but prior to the use of the modified portion of the Facility.
8. SRC 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 the EPA-authorized representatives, upon request.
9. SRC shall notify the Division Director or his or her delegate in writing at least 60 days prior to the date it expects to begin closure. The date SRC "expects to begin closure" shall be no later than 30 days after the date on which SRC receives its final quantities of PCB waste for storage.
10. In accordance with SRC's approved Closure Plan, SRC shall remove all PCB waste in

storage at SRC Facility within 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, SRC shall proceed according to the provisions of the Closure Plan submitted to and approved by the 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, SRC will become a generator of PCB waste subject to the generator requirements of 40 C.F.R. Part 761, Subpart J.
14. Within 60 days of completion of closure of the SRC Facility, SRC shall submit to the EPA LCR Division Director a certification that the facility has been closed in accordance with the approved closure plan. The certification shall be signed by SRC and by an independent registered professional engineer.
15. SRC shall submit to the PCB Program Coordinator 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 the EPA prior to implementation.
16. SRC may petition the Regional PCB Program Coordinator 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, SRC 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 the EPA to SRC granting the petition.

K. Approval Acceptance Certification

This Approval shall be revoked if SRC does not submit to the EPA written certification of acceptance of, and intention to comply with the Conditions of this Approval. (The Certification document is attached as the last page of the Approval.) A copy of the Certification must be submitted (i.e., placed into the United States mail, provided to a delivery service, or transmitted electronically) to the EPA within ten business days of receipt of this Approval.

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**DECISION TO APPROVE
SAFETY-KLEEN SYSTEMS INC.
SMITHFIELD RECYCLE CENTER'S
APPLICATION TO COMMERCIALY STORE PCB WASTE**

After review of the Application for Approval to Commercially Store PCB Waste, dated November 16, 2018, submitted by Safety-Kleen Systems Inc.'s, Smithfield Recycle Center (SRC) the 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 SRC'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. Therefore, pursuant to 40 C.F.R. § 761.65(d)(2), the EPA approves the SRC Application to commercially store PCBs and PCB Items for offsite transfer at the SRC Facility.

This Approval shall become effective as of the date it is signed by the Director of the Land, Chemicals and Redevelopment Division. This Approval shall expire ten 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 SRC from compliance with all applicable federal, state and local regulatory requirements, including the federal PCB regulations at 40 C.F.R. Part 761.

Date

Carol J. Monell
Director
Land, Chemicals and Redevelopment Division

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CERTIFICATION FORM

I, _____, _____ certify that
Print Name of Authorized Representative Title
of Smithfield Recycle Center.

I have received and reviewed the Approval to Commercially Store Polychlorinated Biphenyls, 2019
renewal, at the SRC Facility in Smithfield, Kentucky, on this ____ day of _____, and year of 2019,
and hereby agree to abide by all Conditions of the Approval and all applicable requirements of the PCB
Regulations, 40 C.F.R. Part 761.

Signature

Date