

US Ecology
P.O. Box 578
Beatty, Nevada 89003

800/239-3943
775/553-2203
Fax: 775/553-2742

USEcology

an American Ecology company

December 20, 2000

Mr. Max Weintraub
PCB Coordinator
US EPA Region IX
75 Hawthorne CMD4-2
San Francisco, CA 94105

RE: TSCA Permit Renewal

Dear Mr. Weintraub:

The current US Ecology TSCA Permit expires on January 1, 2001. US Ecology, Inc. submitted a Permit Renewal Application on July 1, 2000, per the Permit requirement. Per our recent phone conversation, US Ecology will assume that the current Permit will remain in effect until the current Permit is renewed. We request that Region IX inform US Ecology if this is not acceptable.

Should you have any further questions, do not hesitate to contact me at (800) 239-3943. We at US Ecology wish you and your family a Happy Holiday and a Merry Christmas.

Sincerely,


Lori Taguchi
Permit and Compliance Manager

CC: Jim Hancock



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION IX

75 Hawthorne Street
San Francisco, CA 94105

FEB 02 2001

Lori Taguchi
Permit and Compliance Manager
US Ecology
PO Box 578
Beatty, Nevada 89003

Re: Extension of US Ecology TSCA Permit

Dear Ms. Taguchi,

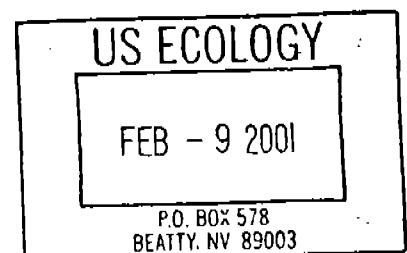
In your letter dated December 20, 2000 to Max Weintraub of my staff, US Ecology requested that the TSCA permit for the Beatty, NV, PCB storage and landfill disposal facility remain in effect while the application for permit renewal undergoes review by EPA.

US Ecology submitted a timely and sufficient application for permit renewal on July 1, 2000. In accordance with the Administrative Procedure Act at 5 U.S.C. 558, the existing permit will remain in effect until the EPA reaches a decision on the application for permit renewal.

Sincerely,

A handwritten signature in cursive script, appearing to read "Katherine Taylor".

Katherine Taylor
Senior Associate
Cross-Media Division





UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
 REGION IX
 75 Hawthorne Street
 San Francisco, CA 94105-3901

CC: ERP
 D. Lockwood
 D. Brady
 R. Trimble
 Dave/Zaki

JAN 10 1996

Mr. Jack E. Lemley
 Chief Executive Officer
 U.S. Ecology, Inc.
 5333 Westheimer, Suite 1000
 Houston, TX 77056

Re: Renewal of Approval to Operate a Chemical Waste Landfill for PCB Disposal
 EPA ID NVT 3300100000

Dear Mr. Lemley:

This letter, with enclosed conditions, serves as written approval to renew, pursuant to Section 6 (e) (1) of the Toxic Substances Control Act (TSCA) of 1976 (Public Law No. 94-469) and the Federal PCB Regulation 40 CFR Parts 761.60, 761.65, and 761.75; U. S. Ecology's authority to operate a chemical waste storage and landfill for PCB disposal.

As required by Section 6 (e) (1) of TSCA, the Environmental Protection Agency (EPA), Region IX has determined that your application has satisfied the requirements set forth in 40 CFR Parts 761.60, 761.65 and 761.75. This determination is based on our review of your application and conclusion that operation of the U. S. Ecology, Inc. chemical waste storage and landfill facility located on Highway 95, 11 miles south of Beatty, Nevada will not pose an unreasonable risk of injury to health or the environment.

The expiration date for this approval is January 1, 2001. This approval shall expire on the expiration date unless the applicant makes a written request for renewal of this approval at least 180 days prior to the expiration date.

OPTIONAL FORM 99 (7-90)

FAX TRANSMITTAL

of pages 20


To	Evelyn Pantan	From	Yoshiko Tokiwa
Dept./Agency	US Ecology	Phone #	415/744-1118
Fax #	712/624-1915	Fax #	415/744-1073
NSN 7540-01-317-7308		5027-101 GENERAL SERVICES ADMINISTRATION	

If you have any questions regarding this approval, please contact Yosh Tokiwa at (415) 744-1118 or Charles Berrey at (415) 744-1117.

Sincerely,

Date

1/11/96


David P. Howekamp
Director
Air and Toxics Division

Enclosure

cc: Evelyn Ponton, U.S. Ecology
David Hanneman, OPPT, EPA HQ
Jeffrey Denison, Nevada DEP (Carson City)

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
 REGION IX
 75 Hawthorne Street
 San Francisco, CA 94105

In the Matter of)	Approval to Commercially Store and
U.S. Ecology, Inc.)	Dispose of Polychlorinated Biphenyls (PCBs)
Beatty, Nevada Facility)	RENEWAL AS AMENDED
5335 Westheimer, Suite 1000)	
Houston, TX 77056-5407)	

AUTHORITY

This Approval to renew U.S. Ecology, Inc., Beatty, Nevada's authority to store and landfill Polychlorinated Biphenyls (PCBs) is issued pursuant to Section 6(e)(1) of the Toxic Substances Control Act (TSCA) of 1976 (Public Law No. 94-469) and the Federal PCB Regulation, 40 C.F.R. Parts 761.60(a)(3)(ii), 761.65 and 761.75.

Under 40 C.F.R. 761.60(i) and 761.65(d)(2), the Regional Administrator is authorized to grant approvals governing the commercial storage and disposal of PCBs. In Region IX, this authority has been redelegated to the Director of the Air and Toxics Division (ATD) by Regional Order R9 1260.31.

EFFECTIVE DATE

This Approval shall become effective upon signature of the ATD and shall expire on January 1, 2001, unless suspended, revoked, or terminated in accordance with the Conditions of Approval stated herein.

TABLE OF CONTENTS

<u>Subject</u>	<u>Page</u>
Authority	1
Effective Date	1
Definitions	2
Background	3
Approval	4

Conditions of Approval	4
A. General Conditions	4
B. Authorized PCB Wastes	6
C. Storage of PCBs	8
D. Disposal	9
E. Operation	9
F. Worker Protection	11
G. Contingency Plan and Emergency Procedures	12
H. Recordkeeping and Reporting	15
I. Closure and Financial Requirements	17

DEFINITIONS

All the terms and abbreviations used in this Approval shall have the meanings as defined in 40 C.F.R. Part 761.3 unless the context clearly indicates otherwise or unless defined below for the purposes of this Approval.

"Application" and "U.S. Ecology Application" mean the December 10, 1994 Application and subsequent (September 1995) revisions which were submitted to EPA Region IX for renewal of U.S. Ecology's November 28, 1989 approval and June 12, 1992 modification to store and landfill PCBs

"U.S. Ecology" means the company U.S. Ecology, Inc. located at 5333 Westheimer, Suite 1000, Houston, TX 77056-5407.

"U.S. Ecology Facility" and "Facility" mean the site located at Beatty, Nye County, Nevada where the EPA-approved PCB commercial storage facility and landfill site is located.

"ATD" means the Director, Air and Toxics Division, EPA Region IX.

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

"NDEP" means the Nevada Division of Environmental Protection.

"RCRA" means the Resource Conservation and Recovery Act.

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

"TSCA" means the Toxic Substances Control Act.

BACKGROUND

U.S. Ecology, Inc. has submitted an application to the Regional Administrator for renewal of EPA Region IX's approval to store and dispose of non-liquid PCB waste in Cell 11, at their landfill site located near Beatty, Nevada.

The facility is a chemically secure landfill located on an 80 acre site on Highway 95 about eleven (11) miles south of the town of Beatty in Nye County, Nevada and consists of nine pre-RCRA filled chemical waste cells plus Cell 10 and the currently active Cell 11.

This facility was established in 1962 by the Nuclear Engineering Company for disposal of low-level radioactive wastes (LLRW). In 1970, Nuclear Engineering obtained permission from the State of Nevada to dispose of hazardous chemical wastes on a portion of the property adjacent to the authorized LLRW disposal area but separated by a 200 foot buffer zone. The chemical disposal facility has been in operation since then. The disposal of LLRW was discontinued in December, 1992.

In November 1980, the facility obtained interim status to operate as a hazardous waste management facility under the Resource Conservation and Recovery Act (RCRA). In 1981, Nuclear Engineering's name became U.S. Ecology, Inc. and has acted as the facility operator while the State of Nevada has retained title to the property. In August 1983, US Ecology submitted Part B of the Federal RCRA permit application to both the State of Nevada Division of Environmental Protection (NDEP) and EPA Region IX and obtained a joint permit in June, 1988, effective for five years. An application to renew their RCRA permit has been submitted to the NDEP and is currently under review.

In addition to the PCB, non-hazardous, and RCRA waste disposal operations, the facility stores, treats and disposes of drummed and bulk solid chemical wastes. The now filled Cell 10, with its above grade portion, contains about 780,000 cubic yards of waste. Cell 11 has an approximate below-grade capacity of one million cubic yards. The wastes are buried in segregated subcells according to waste compatibility. No ignitable or reactive wastes are accepted for disposal.

The RCRA permit under review for renewal by NDEP seeks authorization to construct and operate an additional landfill cell (Cell 12), two more container storage areas, an additional batch stabilization unit, a tank farm for storage of liquid PCB and hazardous wastes, and a containment building for handling hazardous debris.

EPA Approvals to operate a PCB storage and disposal facility have been issued in 1978, 1982, 1987, and 1989.

APPROVAL

1. In compliance with the provisions of Section 6(e) of the Toxic Substances Control Act (TSCA), as amended, 15 USC 2601, the State of Nevada, as site owner (herein after sometimes referred to as "Owner") and U.S. Ecology, Inc., the facility operator (herein after sometimes referred to as "Operator"), are hereby authorized to continue to operate, jointly and severally, a commercial PCB storage facility and a chemical waste landfill to dispose of non-liquid polychlorinated biphenyls (PCBs) wastes in Cell 11, a defined 12.28 acre L-shaped area described in the U.S. Ecology Application, in accordance with this Approval and the Conditions of Approval as stated herein.

2. Public input was solicited regarding EPA Region IX's pending renewal of U.S. Ecology's authority to commercially store and landfill PCBs. Two, two day notices during a 30 day period were placed in two local newspapers. No responses were received.

3. The facility was last inspected May 5, 1995. No violations were found. Based on our review of U.S. Ecology, Inc.'s application for renewal and U.S. Ecology's historical record since 1978, and the results of the most recent inspection, EPA finds that the operation of this PCB storage and landfill operation will not pose an unreasonable risk of injury to human health or the environment.

4. To renew this storage and landfill Approval, U.S. Ecology must apply to the EPA in writing at least 180 days but not more than 270 days prior to the expiration date of this Approval. EPA may require U.S. Ecology to submit additional storage, treatment and landfill information in connection with its application for renewal. The above-mentioned information will be reviewed by EPA to determine if this Approval is to be renewed.

CONDITIONS OF APPROVAL

A. General Conditions

1. U.S. Ecology must comply with and operate in accordance with provisions of the PCB regulation (40 C.F.R. Section 761), with the Conditions of Approval stated herein, and with the U.S. Ecology application dated December 10, 1994 and September 1995 revisions which were submitted to and approved by EPA.

2. Any departure from the Conditions of Approval, modifications of this Approval, or the U.S. Ecology application approved by EPA, must receive prior written authorization from the ATD. Any unauthorized departure will subject this Approval to suspension, revocation, or termination, and will subject U.S. Ecology to enforcement action under TSCA.

3. US Ecology shall notify the EPA in writing and obtain prior approval before instituting any changes that may be required to be consistent with any condition in the final RCRA permit which may affect the PCB disposal operation of Cell 11.

4. In the event inconsistencies are found between the plans and specifications for the design, construction, and operation described in the application and the Approval, U.S. Ecology shall comply with the provisions of this Approval.

5. If at any time U.S. Ecology becomes aware of any departure from the PCB regulations, Conditions of Approval, modifications of this Approval, or the U.S. Ecology application, which may constitute an imminent danger to human health or the environment, U.S. Ecology shall immediately institute the Contingency Plan and Emergency Procedures delineated in Condition G of this Approval. U.S. Ecology shall also notify the ATD within 24 hours of becoming aware of such non-compliance and submit a written report to ATD describing the departure within five (5) working days. Other non-compliance events not otherwise reported under the provisions of this approval must be reported within thirty (30) days of becoming aware of the non-compliance.

6. EPA reserves the right to impose additional conditions to the Approval and to modify any Condition of the Approval. EPA may withdraw or modify this Approval if it has reason to believe that the continued operation of the storage, treatment and/or disposal facility presents an unreasonable risk to public health or the environment, if EPA issues new regulations or standards for issuing PCB approvals, or for noncompliance with the Conditions of the Approval or the PCB regulation (40 C.F.R. Part 761) with the exception of the conditions outlined in E) and E2.

7. U.S. Ecology shall provide upon request any information which the EPA deems necessary to determine whether cause exists for modification, suspension, revocation, or termination of this Approval. Failure to provide the above-mentioned information within five (5) working days of its request, or such reasonable time not to exceed 30 days as agreed to by both parties, shall be deemed a violation of the Conditions of Approval unless EPA determines that additional time is warranted.

8. EPA officials and representatives of EPA, upon presentation of credentials, shall be permitted access to the storage, treatment, disposal, and landfill site at all reasonable times during regular business hours to 1) determine compliance with applicable statutes, regulations, Approval, and Conditions of Approval issued pursuant thereto and 2) for the purpose of inspection, sampling, or monitoring.

Any refusal by U.S. Ecology to allow access to the site and process during such regular business hours, or refusal to provide copies of records shall be deemed a violation of the Conditions of Approval.

9. This approval designates the State of Nevada as the Owner and U.S. Ecology, Inc., as the Operator of this PCB storage and landfill facility and applies only to these parties as the designated Owner and Operator. Before any change of Owner or Operator occurs, U.S. Ecology shall notify the ATD at least thirty (30) days before transferring ownership of the facility.

10. U.S. Ecology shall also submit to the ATD, at least thirty (30) days before such transfer, a notarized affidavit signed by the transferee which state that the transferee will abide by all provisions of this Approval.

11. 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 U.S. Ecology name, or EPA may require the transferee to apply for a new PCB landfill and storage Approval. The transferee shall not operate under the Approval until the ATD issues an Approval in the transferee's name.

12. This Approval is binding upon U.S. Ecology. U.S. Ecology is responsible for the actions of all U.S. Ecology employees, agents, and contractors who are involved in the operation of the storage and landfill facility. Compliance with the PCB regulation, the Conditions of Approval, modifications of this Approval, written notifications, and the U.S. Ecology application approved by EPA, does not relieve U.S. Ecology of the responsibility to comply with all other applicable Federal, State, and local laws and regulations, including but not limited to the Resource Conservation Recovery Act (RCRA), as amended (42 USC 6901 et seq.) and the Occupational Safety and Health Act.

B. Authorized PCB Wastes

The following non-liquid PCB wastes are the only wastes authorized by this approval for disposal in Cell 11 area.

1. Non-liquid PCBs: Non-liquid PCBs in the form of contaminated soil, rags, or other debris. Except for leachate, liquid PCB wastes, regardless of concentration, shall not be processed into non-liquid forms for the purpose of disposal at this PCB landfill.

2. Dredged materials and municipal sewage treatment sludge that contain PCBs: These materials shall be dewatered so as to pass the Paint Filter Liquid Test described in the most current approved version of SW-846, "Test Method for Evaluating Solid Wastes, Method 9095", prior to landfilling, and the water disposed of in accordance with 40 C.F.R. 761.60(a)(3).

3. Drained PCB Transformers (≥500 ppm PCB): PCB transformers shall be drained of all free-flowing liquids, filled with a PCB-soluble solvent, allowed to stand for at least 18 hours, and then drained thoroughly. The transformer carcass, drained liquid and the solvent removed from the PCB transformers shall be disposed of in accord with 40 C.F.R. 761.60(a)(1).

4. PCB Electrical Equipment: All PCB electrical equipment except capacitors shall be drained of all free-flowing liquids and the liquids disposed of in accord with 40 C.F.R. 761.60(a)(2).

5. PCB-Contaminated Capacitors (containing between 50-500 ppm PCBs):

6. PCB-Free Capacitors: Any capacitor determined to be PCB free as indicated by label, nameplate information, manufacturer's literature, or chemical analysis.

7. PCB Small Capacitors not owned by manufacturer: PCB small capacitors owned by a person who did not manufacture or at any time manufactured PCB capacitors or PCB equipment. 761.60(2)(i)
3 (1)

8. PCB Small Capacitors owned by manufacturer: PCB small capacitors owned by a person who manufactured or at any time manufactured PCB capacitors or PCB equipment and acquired such PCB capacitors or equipment in the course of manufacturing are required to be disposed of by incineration.

9. Large Capacitors with 500 ppm or over PCBs: Large, high or low voltage capacitors containing PCBs 500 ppm or over are required to be disposed of by incineration. 761.60(2)(iii)
3 (3)
(4)

10. Drained PCB Hydraulic Machines: PCB hydraulic machines must be drained of all free-flowing liquids and the liquids disposed of in accord with 40 C.F.R. 761.60(a)(1). If the liquid contains 1000 ppm PCBs or greater, the machine must be flushed with a PCB-soluble solvent containing less than 50 ppm PCBs and the solvent disposed of in accord with 40 C.F.R. 761.60(a)(1).

11. PCB Articles at 500 ppm PCBs or Greater: PCB Articles containing PCBs at 500 ppm or greater shall be thoroughly drained of all free-flowing PCB liquids and the drained liquids disposed of in an EPA approved incinerator.

12. PCB Articles With Between 50-500 ppm PCBs: PCB articles containing PCBs between 50 and less than 500 ppm shall be thoroughly drained of all free-flowing PCB liquids and the drained liquids disposed of in accord with 40 C.F.R. 761.60(a)(2).

13. Undecontaminated PCB Containers: PCB containers which have been used to contain PCB liquids 500 ppm or greater and which have not been decontaminated in accordance 40 C.F.R. 761.79 must be drained of any liquids and the liquids disposed of in accord with 40 C.F.R. 761.60(a).

14. PCB Containers Exposed to less than 500 ppm PCBs: Containers used to contain PCB liquids at less than 500 ppm must be drained of any liquids and the liquids disposed of in accord with 40 C.F.R. 761.60(a).

15. Combined TSCA/RCRA Waste Streams: PCB-containing wastes may be placed in the stabilization unit when the presence of RCRA hazardous constituents in combined RCRA/TSCA waste requires treatment prior to land disposal. This unit is not authorized for management of any combined waste streams in which the PCB component of the waste is not otherwise authorized for direct land disposal.

C. Storage of PCBs

1. The facilities for long term storage (over 30 days) of PCBs and PCB Items designated for disposal shall comply with the following requirements:

- a) Adequate roof and walls to prevent rain water from reaching the stored PCBs and PCB Items.
- b) An adequate floor with a continuous curb at least six inches high. The floor and curbing shall provide a containment volume at least twice the internal volume of the largest PCB Article or PCB Container stored therein or 25 percent of the total internal volume of all the PCB Articles or PCB Containers stored therein, whichever is greater.
- c) The floor and curbing shall be constructed of continuous, smooth and impervious materials such as Portland cement concrete or steel. An Epoxy or similar coating is recommended with concrete to prevent or minimize penetration of PCBs.
- d) There shall be no drain valves, expansion joints, sewer lines, or other openings that would permit liquids to flow from the curbed area.
- e) The area is not located below the 100-year flood water elevation.

2. All storage tanks for bulk storage of drained PCB liquids, flushates and other liquid PCB wastes shall be located in a bermed, containment area and comply with the following requirements:

- a) The tanks are elevated to allow daily leak detection.
- b) Has a secondary containment system consisting of a sandwich of two (2) 30 mil liners and a 125 mil polyester filter fabric protective sheet covered by at least 12 inches of sand for protection of the liner and easy cleanup of any spills.
- c) The capacity of the containment area is twice the volume of the largest tank plus the precipitation from a 24 hr. 100 year storm.

D. Disposal

1. The landfill disposal requirements specified in 40 C.F.R. 761.60, 761.75, 761.120, and 761.180(b) shall be adhered to at all times. The requirements of 40 C.F.R. 761.65 shall be adhered to should any non-liquid PCB wastes be stored prior to disposal.

2. The operations plan and procedures specified in the Landfill Operations Plan of the December 10, 1994 application submitted to the EPA and the revisions and amendments incorporated as a conditional part of this Approval shall be adhered to at all times along with any future amendments approved or specified in writing by the EPA.

3. PCBs and PCB Items shall be placed in areas authorized for PCB disposal in a manner that will prevent damage to containers and articles.

4. Non-liquid wastes chemically compatible with PCB wastes may also be disposed of in Cell 11. Non-compatible wastes may be disposed of in areas authorized for PCB disposal but must be separated from PCB wastes with at least two (2) feet of mutually compatible wastes or clean soil.

5. Under no circumstances shall ignitable wastes be disposed of in areas designated for non-liquid PCB disposal. The disposal of liquid wastes, as defined by the Paint Filter Liquid Test, is not permitted in any portion of Cell 11.

6. The disposal of non-liquid, non-PCB wastes in Cell 11 must also comply with the rules and regulations promulgated pursuant to RCRA.

7. All PCB wastes shall be buried three (3) feet below the natural land surface.

E. Operation

1. The leachate collection/monitoring system shall be inspected weekly for the presence of any liquid. Any pumpable liquid detected shall be pumped until liquid removal is no longer possible and the quantity of liquid removed recorded. Whenever liquids in the leachate collection/monitoring system are found above the pumpable level, the inspection frequency for that sump will be increased to daily until the liquid level in the sump remains below pumping level for two consecutive days. At that time the monitoring may then revert to weekly.

2. The collected leachate shall be sampled and analyzed quarterly for PCB, pH, specific conductance, and chlorinated organics in accordance with the facility's Sampling and Analysis Plan. (On June 12, 1992, US Ecology's monthly reporting for leachate required under TSCA was amended to permit quarterly reporting to maintain consistency with US Ecology's RCRA permit conditions. This exception is continued in view of no verifiable PCBs in any leachate sample since the reporting of leachate was instituted in 1989).
3. The owner or operator shall report in writing to the EPA whenever PCBs at ≥ 2 ppm are detected in any monitoring wells or at the leachate collection/detection sumps upon confirmation of the analytical results.
4. Collected leachate, regardless of PCB concentration (≥ 2 ppm), shall not be solidified by mixing with soil or other absorbent material, and disposed of in areas authorized for non-liquid PCB disposal. Such leachate must be stored in containers or tanks in accordance with 40 C.F.R. 761.65 and transported to an authorized off-site facility for storage, treatment and/or disposal. The leachate may also be processed through a carbon adsorption system to remove organic contaminants which, after confirming through analysis that PCBs are less than 2 ppm in the processed leachate, may be solidified with a pozzolanic reagent or equivalent before disposal in any active landfill cell. Processed leachate may be sent to an authorized off-site storage or disposal facility.
5. The spent carbon from the carbon adsorption system shall be sent off-site for regeneration or disposal at an authorized facility.
6. All run-on water from precipitation accumulated in areas authorized for non-liquid PCB disposal shall be considered leachate and handled as such.
7. All water analysis, including those from collected leachate and monitoring well samples, shall be performed in accord with the requirements specified in 40 C.F.R. 761.75 (b)(6)(iii) for PCB, pH, specific conductance, and chlorinated organics.
8. All monitoring wells for the non-liquid PCB disposal site (Cell 11) shall be sampled at least once every six months after final closure of Cell 11, for a period of thirty years. After closure, the leachate in the leachate collection system's sumps will initially be monitored monthly. The monitoring frequency may be reduced to quarterly and eventually semiannually if no pumpable liquids are detected for two consecutive monitoring terms. Any time pumpable liquids are detected during the post closure care period, the monitoring period will revert to monthly and continue until no pumpable liquids are found for two consecutive months when the monitoring frequency may again be reduced to quarterly and eventually semiannually if no pumpable liquids are detected for two consecutive monitoring terms.
9. EPA shall be notified in writing of all amendments to the Operation Plan. Any amendments to the Plan which affect the manner in which the facility complies with the TSCA regulations or the TSCA approval are subject to EPA approval prior to implementation pursuant to 40 C.F.R. 761.75(b)(8)(ii).

10. The owner or operator of the PCB landfill facility shall submit monthly in writing a report of any PCB wastes received during the previous month which had resulted in spills, leaks, or uncontrollable discharges of PCBs. The report shall include the source of the PCB wastes, name of transporter, the quantity received, and a description of the PCB wastes.

In addition, the monthly report shall include a description of any event which is not normal to the operation of the PCB landfill facility as hereby authorized such as accidents, spills, leaks, uncontrolled discharges, earthquake damage, excessive rain episodes (i.e., rainfall in excess of the 24 hr, 25 yr. storm event), fires, explosions, etc.

11. The notification of State and Local governments shall be in accord with 40 C.F.R. 761.60 (f)(1)(ii). Such notification shall be specifically addressed to the appropriate State and local officials or specifically addressed to the titles of their positions.

12. If at any time the EPA determines that the PCB storage and/or landfill facilities authorized by this approval are creating a situation of imminent hazard, EPA will notify the facility as to the steps required to prevent the hazard. Such steps must be taken by the date provided in such notice.

13. This approval shall be subject to periodic review as deemed appropriate by EPA and may be modified, suspended, or revoked in whole or in part for cause including, but not limited to, the following:

- a) Violation of any terms or conditions of this approval.
- b) Obtaining this approval by misrepresentation or failure to disclose fully all relevant facts.
- c) A material change in any condition that requires cessation of the authorized activities.
- d) For other reasons authorized by law.

F. Worker Protection

U.S. Ecology shall meet the following work practice, operation, and other standards at all times during the operation of its facility. All such standards are Conditions of this Approval.

1. U.S. Ecology shall take all precautionary measures to ensure that the operation of the PCB landfill and disposal processes are conducted in compliance with the applicable safety and health standards required by Federal, State, and local regulations and ordinances.

d) Water at adequate volume and pressure to supply fire hose streams or foam equipment.

e) U.S. Ecology shall at a minimum test and maintain the equipment specified above as recommended by the manufacturer to assure its proper operation in time of emergency. In the event any of the equipment specified above was manufactured by U.S. Ecology, U.S. Ecology shall establish and follow a testing and maintenance plan for those manufactured items.

4. Whenever PCBs are being poured, mixed, or otherwise handled, U.S. Ecology shall ensure that all personnel 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 employee.

5. At all times, there shall be at least one (1) employee either at the U.S. Ecology facility or on call who has:

a) The responsibility for coordinating all emergency response measures.

b) The authority to commit the resources needed to carry out the Contingency Plans.

This employee shall have immediate access to the entire facility and to a communication device such as a telephone, cellular phone, or hand-held two-way radio immediately available at the scene of operation capable of summoning external emergency assistance.

6. Adequate aisle space shall be maintained to allow for unobstructed access by personnel, fire protection equipment, and decontamination equipment to all PCB items stored on-site.

7. All facility communications or alarm systems, fire protection equipment, spill control equipment, and decontamination equipment shall be inspected at the frequencies referenced in Section 7, Facility Inspection (Revision 1), of the approved application. All such equipment not specifically referenced in Section 7 of the approved application must be inspected at least once a month to assure its proper operation. All emergency equipment inspection and maintenance records must be maintained at the U.S. Ecology facility for at least three years and made available to EPA upon request.

8. U.S. Ecology shall update the information regarding the storage and disposal activities at the facility, stored materials, contingency plans, and emergency procedures provided to local police departments, hospitals, and state and local emergency response teams that may be called upon to provide emergency service on an annual basis.

9. In the event an authorized facility operator of U.S. Ecology believes, or has reason to believe, that any detectable quantities of PCBs have been released to the environment as a result of storage and/or disposal operations, the facility operator shall immediately inform the EPA emergency response personnel by telephone at (415) 744-2000 within 24 hours after discovery. A full investigation into the cause of the incident and a detailed report shall be included in the daily operation records. A copy of this report describing the incident shall be submitted to ATD within 15 days after the incident.

10. In the event of a detectable release of PCBs to groundwater, U.S. Ecology shall implement the compliance monitoring and corrective action programs stipulated by the RCRA permit.

11. U.S. Ecology shall immediately report to EPA if unauthorized entry at the facility occurred which caused PCBs to be discharged, the nature of the problem, if any, that resulted from this occurrence, and the corrective action taken by the facility to prevent future occurrences. This includes any tampering, destruction, or loss at the facility which caused release of PCBs.

12. U.S. Ecology shall review and immediately amend, if necessary, the SPCC Plan and Contingency Plan whenever:

- a) The Plan fails in an emergency;
- b) The facility changes in its design, construction, operation, maintenance, or other circumstances that materially increase the potential for fires, explosions, or releases of PCBs or hazardous constituents, or other response necessary in an emergency;
- c) The list of emergency coordinators changes;
- d) The list of emergency equipment changes;
- e) When any major revision is warranted;
- f) EPA determines that a revision to the Plan is necessary.

H. Recordkeeping and Reporting

- 1 U.S. Ecology shall comply with all recordkeeping requirements outlined in the PCB Regulation, 40 C.F.R. Part 761.
2. All PCB records, documents, and reports shall be maintained at the U.S. Ecology facility, and shall be made available for inspection by authorized EPA representatives. When U.S. Ecology ceases operations, all records, documents, and reports or certified copies thereof, shall be maintained for at least five (5) years following cessation of operations, and made available to EPA upon request.
3. All records required by 40 C.F.R. §761.180 and this Approval shall be written in ink or typed. Any modification or correction of the records must be initialed and dated by the supervisor in charge. If the recordkeeping is maintained by computer system, U.S. Ecology shall maintain monthly printouts of records pertaining to the process.
4. The reports, notifications, mail, or other submittals required to be submitted to EPA under this Approval to Operate shall be sent to:

Director
Air and Toxics Division
U.S. Environmental Protection Agency
Region IX
75 Hawthorne Street
San Francisco, CA 94105
Attn: Jo Ann Semones, Ph.D., A-4-4

5. All records, documentation, and information relating to the sampling, analysis, and quality assurance as required by this Approval shall be retained a for a minimum of five (5) years, or longer if requested by ATD, and made available upon request. These records, documentation, and information 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, maintenance records of sampling equipment, and analytical instrumentation; and,
- i) Records of quality assurance activities as described in Section 6 of the approved application.

6. At the completion of a cleanup required by Paragraph F 8, U.S. Ecology shall develop and maintain records of the cleanup including at a minimum:

- a) Identification of the source of the contamination;
- b) Date and time contamination was discovered;
- c) Date and time cleanup was completed;
- d) A brief description of contaminated area;
- e) Pre-cleanup and post-cleanup sampling data used to define boundaries of contamination and a brief description of the sampling methodology used to establish contaminated boundaries;
- f) Amount of waste cleanup material generated;
- g) A certification statement signed by U.S. Ecology personnel stating that the decontaminated levels referenced in the appropriate Approval condition has been achieved and that the information contained in the record is true to the best of his/her knowledge.

7. U.S. Ecology shall submit to the ATD a summary of all modifications to the process and application document within thirty (30) days of the end of each year's operation, or a report that no such modifications were made.

8. U.S. Ecology shall maintain copies of the Certificate of Disposal for all PCBs and PCB items which are stored at the commercial storage facility. Certificates of Disposal shall be provided to the generator within thirty (30) days of receipt by U.S. Ecology of documentation of final disposal of all materials resulting from the commercial storage of the generator's PCBs and PCB items.

I. Closure and Financial Requirements

1. Under the 1988 Nevada Division of Environmental Protection (NDEP), hazardous waste permit, U.S. Ecology is exempt from the TSCA financial assurance requirement as a state owned facility. However, the NDEP will require financial assurance when the NDEP permit is renewed next year. Upon approval of the NDEP permit, U.S. Ecology shall establish a financial assurance mechanism, as required by Condition I in this Approval, in coordination with the State of Nevada and EPA.

2. Within thirty (30) days of establishment of such financial mechanism, an executed copy of the trust agreement or other instrument and satisfactory evidence as determined by EPA of adequate liability insurance meeting the requirements of 40 C.F.R. Part 264, Subpart H shall be submitted to ATD. U.S. Ecology shall submit such other documentation as EPA may require to determine that the liability insurance requirement has been met.

3. The financial assurance mechanism shall be equivalent to that specified in 40 C.F.R. 761.65(g) and shall be maintained to provide for:

a) Funding of proper closure of the operation. The closure plan shall include the decontamination and/or disposal in an EPA approved PCB disposal facility of PCB-contaminated equipment and materials.

b) Compensating others for bodily injury and property damage caused by accidents arising from operations of the facility.

4. U.S. Ecology shall comply with the current closure plan and closure cost estimate approved by EPA. At no time may the estimated costs associated with performing closure of the U.S. Ecology facility exceed the current closure cost estimate approved by EPA.

5. U.S. Ecology shall notify the ATD at least 90 days prior to the date it expects to begin closure.

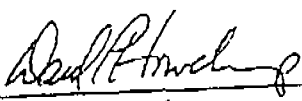
6. Upon termination of the operation, U.S. Ecology shall proceed according to the provisions of the Closure Plan submitted to and approved by EPA. As used in this paragraph, "termination of the operation" includes cessation of operations required by expiration, termination, or revocation of this Approval.

7. U.S. Ecology shall amend the Closure Plan whenever changes in operating plans or facility design affect the Closure Plan, including the current closure cost estimate, or whenever there is a change in the expected year of closure. U.S. Ecology must submit to the ATD for approval any modifications to the Closure Plan at least thirty (30) days prior to the modification.

8. U.S. Ecology shall submit documentation of continued financial assurance annually to ATD to meet the requirements of Paragraph 4 of this Section.

9. The cost estimate for closure shall be based on worst-case conditions and shall be updated annually, or whenever a change in the Closure Plan increases the closure cost, and maintained on-site with the Closure Plan. The updated closure cost estimates shall be submitted to ATD within thirty (30) days of modification of the estimated closure cost.

1/11/96
Date



David P. Howekamp
Director
Air and Toxics Division