



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 4
ATLANTA FEDERAL CENTER
61 FORSYTH STREET
ATLANTA, GEORGIA 30303-8960

MAY 08 2002

4APT-TS

Wayne Bodie, President
Florida Transformer, Inc.
P.O. Box 507
DeFuniak Springs, FL 32435

RECEIVED

MAY 08 2002

NORTHWEST FLORIDA
DEP

Dear Mr. Bodie:

Enclosed for your review is a copy of the draft Approval to Commercially Store Polychlorinated Biphenyl (PCB) Waste for the Florida Transformer, Inc., (FTI) DeFuniak Springs, Florida facility. The draft approval was prepared by the U.S. Environmental Protection Agency (EPA) pursuant to Section 6(e)(1) of the Toxic Substances Control Act of 1976 (Public Law 94-469), and the federal PCB regulations at 40 CFR Part 761. A final decision on FTI's commercial PCB storage approval application will be made following the close of the public comment period on the draft approval.

The second enclosure is a copy of the public notice announcing EPA's intention to issue the approval. In accordance with EPA Region 4 policy, EPA will provide a 30-day public review and comment period on the draft approval. Please arrange to publish this notice in a daily or weekly newspaper of general circulation in the Defuniak Springs area and provide us with a copy of the printed notice following publication. Also, we request that you place a copy of the draft approval and your updated PCB commercial storage approval application in the Walton County Chamber of Commerce Office by the date of publication of the notice. That office will serve as the local repository for local citizens wishing to review the draft approval and application documents. The materials that comprise the approved application are listed in Condition I.C.2 of the draft approval.

Any questions concerning this draft approval may be directed to Craig Brown of the EPA Region 4 staff at (404) 562-8990.

Sincerely,

Winston A. Smith
Director
Air, Pesticides and Toxics
Management Division

Enclosures

cc: Mary Jean Yon, FDEP

U.S. ENVIRONMENTAL PROTECTION AGENCY

Announces its consideration to issue an Approval to Commercially Store Polychlorinated Biphenyl (PCB) Waste to:

Florida Transformer, Inc.
4509 State Highway 83
DeFuniak Springs, Florida 32433

Florida Transformer, Inc., (FTI), a company that repairs and scraps electrical equipment, has submitted an application to the U.S. Environmental Protection Agency (EPA) to commercially store PCB waste at FTI's DeFuniak Springs, Florida facility. After a completeness and technical adequacy review of the application, EPA has determined that the application meets the regulatory criteria for approval.

A draft approval has been prepared by EPA pursuant to Section 6(e)(1) of the Toxic Substances Control Act of 1976, Public Law No. 94-469, and the federal PCB regulations, 40 C.F.R. Part 761. The approval, as drafted, would allow FTI to store PCB electrical equipment and PCBs in containers (drums) within a curbed, sealed concrete storage cell located entirely within a building. The maximum amount of PCBs that could be stored at any one time is 16,425 gallons or the equivalent of 275 5 drums each 55 gallons and 65 pole-top transformers. The draft approval sets forth conditions for managing PCB waste, establishes facility closure procedures and requires FTI to maintain financial assurance to cover facility closure costs.

EPA invites interested parties to review and comment on the draft approval. The draft approval and application materials will be available for review starting today, for the next 30 days, during regular business hours at the:

Walton County Chamber of Commerce
Chautauqua Building
DeFuniak Springs, FL 32433
(850) 892-3191

The materials are also on file in EPA's office in Atlanta, Georgia. Written comments on the draft approval, postmarked no later than 35 calendar days from today's date should be sent to:

Mr. Craig S. Brown
U.S. Environmental Protection Agency, Region 4
Atlanta Federal Center, 61 Forsyth Street
Atlanta, Georgia 30303-8909

EPA may hold a public meeting if there is a significant public interest in the draft approval. To obtain a free copy of the draft approval or more information on this matter, contact Mr. Brown by telephone at (404) 562-8990 or via e-mail at brown.craig@epa.gov.

DRAFT

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 4
ATLANTA FEDERAL CENTER
61 FORSYTH STREET, SW
ATLANTA, GEORGIA 30303-8909

IN THE MATTER OF:) APPROVAL TO COMMERCIALY
FLORIDA TRANSFORMER, INC.) STORE POLYCHLORINATED
DEFUNIAK SPRINGS, FLORIDA) BIPHENYL (PCB) WASTE

AUTHORITY

This approval to commercially store PCB waste (approval) is issued pursuant to Section 6(e) of the Toxic Substances Control Act, 15 U.S.C. §2605(e), and the federal regulations promulgated thereunder at 40 CFR Part 761.

BACKGROUND

Section 6(e)(1) of the Toxic Substances Control Act (TSCA) requires that the United States Environmental Protection Agency (EPA) promulgate rules for the disposal of PCBs. Rules implementing TSCA Section 6(e) were published in the May 31, 1979, Federal Register (44 FR 31542) and recodified in the May 6, 1982, Federal Register (47 FR 19527). Those rules also regulated the storage of PCB waste prior to disposal under the TSCA Section 6(e)(1) disposal authority for PCBs. Amendments to those rules were published in the December 21, 1989, and June 28, 1998, Federal Register (54 FR 52746 and 63 FR 35384). The current rules for PCB storage facilities are codified at 40 CFR §761.65, "Storage for disposal."

Florida Transformer, Inc., (FTI), located in DeFuniak Springs, Florida, repairs and rebuilds oil-filled electrical equipment, primarily electrical regulators and transformers. FTI also scraps obsolete equipment at its facility. All incoming oil-filled equipment is screened for PCB content. Most of the units arriving at FTI's facility are non-PCB. However, a small percentage of arriving units are classified as PCB or PCB-contaminated. Oil is removed from the PCB and PCB-contaminated units and placed in containers for storage. FTI stores the PCB containers along with drained PCB transformers in a dedicated PCB storage area. Currently, FTI scraps only non-PCB units on-site. All PCB liquids and drained PCB and PCB-contaminated equipment are disposed offsite at TSCA approved PCB disposal facilities.

Although not required by rule to obtain a written approval for PCB storage, FTI elected to seek EPA approval to operate as a commercial PCB storage facility. On July 25, 1990, FTI submitted to EPA, an approval application for the commercial storage of PCB waste. Thus, FTI qualified to store PCB waste under an interim approval until EPA completed action on FTI's application. In February 2001, EPA requested an updated application from FTI. The updated

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application materials were submitted to EPA on April 5, 2001. After a completeness and technical adequacy review of the application, EPA has determined that the application meets the regulatory criteria, identified at 40 CFR §761.65(d)(2)(i) through (d)(2)(vii).

APPROVAL

Approval is hereby granted to FTI, 4509 State Highway 83 N, DeFuniak Springs, Florida (EPA ID # FLD 984 171 785), to commercially store PCB waste for disposal, subject to the Approval Conditions stated herein, and based on the information described in the approved application.

This approval shall become effective on the date of signature and shall expire ten (10) years from the date of signature, unless revoked, suspended, or terminated in accordance with the Approval Conditions stated herein.

This approval does not relieve FTI from compliance with all applicable federal, state and local regulatory requirements, including the federal PCB regulations at 40 CFR Part 761, and any amendments or revisions thereto.

Winston A. Smith
Director
Air, Pesticides, and Toxics
Management Division

Date

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I. STANDARD CONDITIONS

A. Effect of Approval

1. FTI may store PCB waste in accordance with these Approval Conditions and the federal PCB regulations at 40 CFR Part 761. Any storage of PCB waste not authorized in this approval is prohibited.

2. Issuance of this approval does not convey property rights of any part or any exclusive privilege, nor does it authorize any injury to persons or property, any invasion of other private rights or any infringement of state or local laws or regulations.

3. Compliance with these Approval Conditions does not establish a defense to any other law that provides protection from any unreasonable risk to public health and the environment, including the federal PCB regulations at 40 CFR Part 761.

4. This approval does not relieve FTI from compliance with all applicable federal, state and local regulatory requirements, including the federal PCB regulations at 40 CFR Part 761.

B. Severability

The provisions of this approval are severable, and if any provision of this approval or if the application of any provision of this approval is held invalid, the remainder of this approval shall not be affected thereby.

C. Approval Compliance

1. FTI must comply with and operate in accordance with the provisions of the federal PCB regulations at 40 CFR Part 761 and with the Approval Conditions stated herein.

2. These Approval Conditions are based on the facts, representations, and certifications made by FTI in its approved application. The "application" or "approved application" means: FTI's July 25, 1990, Application for a PCB Commercial Storage Facility as revised on August 21, 1990, August 13, 1991, December 21, 1992, April 5, 2001, and March 21, 2002 (incorporated herein by reference).

3. In the event that these Approval Conditions are inconsistent with the approved application, FTI must abide by the Approval Conditions stated herein.

D. Approval Suspension/Revocation

1. Departure from these Approval Conditions, the approved application or approved modification(s) to this approval, or the federal PCB regulations without a prior written approval by EPA may result in the immediate suspension of this approval and/or the commencement of proceedings to revoke this approval and/or appropriate enforcement action under any or all applicable statutes and regulations.

2. This approval may be suspended or revoked at any time by EPA when it has reason to believe that the continued operation of this facility presents an unreasonable risk to human health or the environment.

E. Approval Expiration and Continuation

1. This approval to commercially store PCBs shall expire ten (10) years from the date of EPA's issuance of this approval.

2. This approval and its conditions herein will remain in effect beyond the approval expiration date if FTI has submitted a timely, complete and adequate notice of intent to continue the approval and, through no fault of FTI, EPA has not issued an approval renewal.

F. Approval Renewal

1. To continue the commercial storage of PCB and PCB items granted by this approval after the expiration date of this approval, FTI must notify EPA by written notice of its intention to continue the approval at least 180 days, but not more than 270 days prior to the expiration date of this approval.

2. EPA may require FTI to submit additional information in connection with the renewal of this approval. EPA shall review the submitted information and determine if this approval is to be renewed.

G. Approval Modification

1. FTI shall notify EPA in writing of any intended modification of this approval or FTI's approved application.

2. A "major modification" is defined as any change to the storage areas, the maximum PCB storage inventory, the closure plan, or any other changes which affect overall performance or environmental impact. A major modification to this approval or the approved application shall be made only upon the written approval of the EPA Regional Administrator.

3. A "minor modification" is defined as administrative and informational changes, correction to typographical errors, changes to conform with agency guidance or regulations, or any other change which does not affect overall performance or environmental impact. A minor modification to this approval or the application shall be made upon the written concurrence of the Pesticides and Toxic Substances Branch Chief of EPA, Region 4.

H. Entry and Inspection

FTI shall allow EPA authorized representative(s) to, at reasonable times:

1. Inspect FTI's property to determine compliance with this approval or the federal PCB regulations;
2. Inspect any records that must be kept relative to this approval or the federal PCB regulations;
3. Take sample(s) for the purpose of assessing this approval or the federal PCB regulations; and
4. Inspect FTI's activities relative to this approval or the federal PCB regulations.

I. Change in Ownership

1. The EPA will recognize the transfer of this approval to a new owner/operator if all of the following conditions are met:

- a. The transferee demonstrates it has established financial assurance for closure of the facility pursuant to 40 CFR § 761.65(g);
- b. FTI must maintain its financial assurance for closure until EPA transfers this approval, so that there will be no lapse in financial assurance for closure of the transferred facility;
- c. The transferee submits a new and complete application for final storage approval including all of the elements listed in 40 CFR § 761.65(d);
- d. The transferee resolves any deficiencies EPA has identified in its application; and
- e. The transferee submits a signed and notarized affidavit which states that the transferee shall comply with all the terms and conditions of this approval.

2. Failure by FTI or the transferee to comply with any of the provisions of this condition shall render this approval null and void.

J. Inapplicability of Paperwork Reduction Act

Any and all information required to be maintained or submitted pursuant to this approval is not subject to the Paperwork Reduction Act of 1980, 44 U.S.C. 3501 et seq., because it is information collected by EPA from a specific individual or entity for the purpose of assuring compliance with this approval.

II. GENERAL FACILITY CONDITIONS

A. Operation of Facility

FTI must maintain and operate the facility to prevent fire, explosion, or releases of PCBs to air, soil, ground water or surface water.

B. Sampling/Analysis

1. FTI 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 CFR Part 761. This requirement is not intended to restrict FTI's use of other test methods for purposes of PCB screening of oil-filled transformers and regulators received at the Inprocessing Facility.

2. PCB concentrations for liquid, non-liquid, multi-phasic wastes shall be determined and reported as specified in 40 CFR §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, FTI shall use a standard wipe test as defined in 40 CFR §761.123.

C. Security

The facility must be secured to restrict public access to PCB waste stored on the premises.

D. Personnel Training

1. FTI 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 CFR Part 761 as they relate to specific job tasks.

2. Training for new employees involved with managing PCBs shall be completed within 30 days of employment.

E. Safety

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

F. Spills

1. If in the course of operation, there is a spill or release of one pound or more of pure PCBs (a reportable quantity [RQ] as defined under the Comprehensive Environmental Response Compensation and Liability Act, 40 CFR Part 302, "Designation, Reportable Quantities, and Notification"), FTI must notify the National Response Center at (800) 424-8802. Releases or spills of ten (10) pounds or more of pure PCBs and PCB releases or spills in any amount which pose a potential for significant exposure to humans, animals, or the environment, shall be reported to the EPA, Region 4 Toxic Substances Section at (404) 562-8977, or the Emergency Response Section at (404) 562-8700.

2. A written summary report about a reportable spill incident, as identified in the preceding paragraph, must be submitted to EPA within five (5) business days following the incident. When EPA requests a detailed report on the incident, this report shall be submitted to EPA within fifteen (15) business days following the request. The detailed report shall include, but not be limited to, a description of the spill, cleanup activities, and changes in the FTI operations to prevent such spills in the future.

3. Cleanup of PCB spills shall begin immediately pursuant to 40 CFR Part 761, Subpart G, PCB Spill Cleanup Policy.

4. Any debris or solid wastes generated as a result of clean up or decontamination of a PCB spill or release shall be disposed of in a facility approved to dispose of PCBs under 40 CFR § 761.60.

G. Emergency Procedures

FTI must, without delay, implement appropriate measures whenever there is a fire or any PCB related emergency which could threaten human health or the environment. In such an emergency, FTI must notify the EPA, Region 4 Toxic Substances Section at (404) 562-8977, or the Emergency Response Section at (404) 562-8700.

H. Recordkeeping and Reporting

1. All reports and other information requested by EPA shall be signed by the facility manager.

2. FTI must record the inspections required by Approval Conditions III.J.1 and 3 of this approval, in an inspection log or summary. These inspection records must be kept for at least three (3) years from the date of inspection and must be made available to EPA upon request.

3. FTI shall prepare and maintain all other records and documents, including annual records, annual document logs and annual reports as required by 40 CFR § 761.180(b).

4. FTI shall retain all records required by this approval or the federal PCB regulations at 40 CFR Part 761 during the course of any unresolved enforcement action regarding the facility or upon request by EPA, notwithstanding any other provision of this approval or the federal PCB regulations at 40 CFR Part 761.

I. Closure and Financial Requirements

1. FTI must maintain a closure plan and financial assurance for closure, in accordance with 40 CFR §761.65(e),(f) and (g), respectively. The facility has filed with EPA a closure plan and financial assurance for closure in compliance with the regulatory requirements.

2. Amendment(s) to Closure Plan:

a. Within ninety (90) days of the effective date of this approval FTI shall submit to EPA, a revised, consolidated closure plan for the facility.

b. CWM shall submit a written request to modify the approved closure plan whenever any of the conditions listed in 40 CFR §761.65(e)(4) arise.

3. When EPA approves a modification to the facility's closure plan and that modification increases the cost of closure, FTI shall revise the closure cost estimate and the financial assurance mechanism, if applicable, no later than thirty (30) days after the modification is approved.

4. FTI must annually adjust the facility's closure cost estimate for inflation and for changes beyond control of FTI which may effect PCB disposal costs.

5. FTI shall keep a copy of the current closure plan, closure cost estimate and financial assurance document(s) at the DeFuniak Springs facility and make such documents available to EPA inspectors for review, upon request.

III. PCB STORAGE MANAGEMENT

A. Receipt and Processing of Equipment Designated for Disposal

1. PCB and PCB-contaminated equipment may be stored within FTI's Inprocessing Facility outside of the approved PCB storage area for up to 30 days from the date of their removal from service in accordance with 40 CFR §761.65(c)(1). The removed from service date is the day on which FTI receives gas chromatographic analytical results confirming the oil in the equipment contains ≥ 50 ppm PCB and FTI determines the equipment will be scrapped rather than repaired.

2. For PCB-contaminated electrical equipment designated for disposal, all free-flowing liquid shall be removed from the equipment and the removed PCB liquid shall be transferred to containers in the approved PCB storage unit, within 30 days of the removed from service date as specified in Approval Condition III.A.1. Alternatively, non-leaking and structurally undamaged PCB-contaminated electrical equipment, including bushings, may be stored on pallets next to the approved PCB storage unit in accordance with 40 CFR §761.65(c)(2). Storage for disposal of PCB-contaminated articles from which all free-flowing liquid has been removed is not regulated under 40 CFR §761.65.

3. PCB equipment, whether drained or undrained shall be transferred to the approved PCB storage unit within 30 days of the removed from service date as specified in Approval Condition III.A.1.

4. Plastic bags and oil pads shipped to FTI with leaking electrical equipment are managed as PCB waste by FTI regardless of the PCB content of the incoming equipment. FTI may temporarily store these wastes in a suitable container for up to 30 days from the container fill start date in accordance with 40 CFR §761.65(c)(1). After 30 days from the container fill date the container shall be transferred to the approved PCB storage unit or the container may be placed into a PCB marked, secondary containment area next to the approved PCB storage unit.

B. Approved PCB Storage Area

Except as allowed under Approval Conditions III.A.1 - 4, all PCB waste, including but not limited to containers of PCB liquid and drained PCB transformers shall be stored in the approved PCB-storage unit in the Inprocessing Facility, as depicted in Attachment 1.

C. PCB Storage Area Marking

The approved PCB storage unit as well as any temporary PCB storage area or ancillary pallet storage area authorized under Approval Conditions III.A.1 - 4, shall be marked as required in 40 CFR §761.40(a)(10).

D. Design Requirements of Storage Area

The PCB storage unit shall be maintained in accordance with the requirements at 40 CFR § 761.65(b) and as specified in the approved application.

E. Maximum PCB Storage

1. FTI is authorized to store no more than the amounts of PCBs and PCB items specified herein:

- a. 275 55-gallon PCB containers or 15,125 gallon-equivalent PCB containers;
- b. 65 drained or undrained PCB transformers;

2. The total volume of PCB waste that may be stored for disposal at FTI in PCB containers and articles shall not exceed 16,425 gallons.

F. Containers

PCB containers used for storage of PCB waste shall be limited to those container types authorized for PCB storage under 40 CFR §761.65(c)(6).

G. Aisle Space Requirement

Aisle space within the storage area must be maintained at all times to allow the unobstructed movement of personnel, fire protection equipment, spill control equipment and decontamination equipment.

H. Container Stacking and Row Width Limits

1. Containers may be stacked subject to the following limitations:

- a. Larger containers shall not be stacked on top of smaller ones unless the weight of the upper container tier can be safely supported;
- b. Containers having a capacity greater than 30 gallons shall not be stacked more than two containers high; and
- c. Pallets (or plywood sheets) shall be used between container tiers when the stack height exceeds one container, except that 5-gallon capacity containers may be stacked up to three containers high, without pallets (or plywood sheets) between tiers.

2. Generally, containers shall be stored in rows no more than two containers wide. However, FTI may store PCB containers in rows three containers wide provided that the containers are stored in a manner does not endanger employees or impede routine inspections, as required by this approval. During compliance inspections conducted by EPA, FTI will move items as requested by the inspector(s) to allow the inspector(s) full access to the facility and stored PCB items.

I. Management of PCB Containers in Storage

1. PCB containers shall always be closed during storage, except when adding and removing their contents, and they must not be opened, handled or stored in a manner which may damage them or cause them to leak.

2. PCB containers and PCB articles shall be stored so that required PCB marks, storage dates and other identification information can be easily read by any inspector.

J. Inspection Requirements

1. All PCB items stored within the approved PCB storage unit shall be checked for leaks at least once every 30 days. PCB items stored in temporary or ancillary storage areas in accordance with paragraphs (c)(1) and (c)(2) of 40 CFR §761.65 and Approval Conditions III.A.1 - 4, shall be checked for leaks, weekly.

2. Any leaking PCB item and its contents shall be transferred immediately to properly marked non-leaking containers. Any spilled or leaked materials shall be immediately cleaned up and the materials and residues containing PCBs shall be disposed of in accordance with 40 CFR §761.61.

3. The condition of floor, joints and curbing in the approved PCB storage unit 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 EPA.

4. Records of inspections, maintenance, cleanup and disposal must be maintained in accordance with 40 CFR §761.180(a) and (b).