



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

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

JUN 14 2013

Mr. John Bosek
Facility General Manager
Clean Harbors LLC.
170 Bartow Municipal Airport
Bartow, Florida 33830

Dear Mr. Bosek:

Please find enclosed the Approval to Commercially Store Polychlorinated Biphenyls (PCBs) at Clean Harbors' facility in Bartow, Florida (CH-FL). The Approval has been prepared by the U. S. Environmental Protection Agency pursuant to Section 6(e)(1) of the Toxic Substances Control Act (TSCA), 15 U.S.C. §2505(e) and the federal PCB regulations at 40 CFR Part 761.

The public comment period for the Approval ended on May 15, 2013. The only written comment the EPA received on the Approval was from CH-FL regarding a typographical error on the acreage of the facility. This error is corrected on the enclosed Approval.

This approval shall be effective on the date of signature and will expire ten years from the effective date. This approval may be modified; withdrawn or further conditions may be added to it at any time the EPA has reason to believe that CH-FL PCB storage activities present an unreasonable risk of injury to health or the environment. Withdrawal of the approval or imposition of further conditions may also result from future EPA rulemaking with respect to PCBs. Moreover, violation of any condition included as part of this approval and/or applicable PCB regulations may subject CH-FL to TSCA enforcement action and/or termination of this approval.

It is the responsibility of CH-FL to comply with all applicable provisions of TSCA, the federal PCB regulations, and this Approval in storing PCBs. Furthermore, this approval does not relieve CH-FL of any responsibility to comply with all other applicable federal, state, and local regulations and ordinances for operation and maintenance of the facility.

Should you have any questions concerning the Approval, please contact Terri Crosby-Vega of my staff at (404) 562-8497.

Sincerely,

A handwritten signature in black ink that reads "G. Alan Farmer".

G. Alan Farmer
Director
RCRA Division

Enclosures

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

IN THE MATTER OF:

Clean Harbors, LLC)	Approval to Commercially Store
170 Bartow Municipal Airport)	Polychlorinated Biphenyl (PCB)
Bartow, Florida 33830)	Waste
Polk County)	

AUTHORITY

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

BACKGROUND

Section 6(e)(1) of TSCA requires that the United States Environmental Protection Agency 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 these 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."

Clean Harbors, LLC (hereinafter "CH-FL"), operates a PCB commercial storage facility at 170 Bartow Municipal Airport, Bartow, Polk County, Florida. The property includes 10.208 acres. The legal description is as follows:

PARCEL ID No.252914000000022010, BARTOW CITY OF, 5001 N US HIGHWAY 17, BARTOW, FL 33830, S1/4 E OF HY LESS E1/2 OF NE1/4 OF SE1/4 OF SE1/4 & LESS SE1/4 OF SE1/4 OF SE1/4. Wastes managed on-site include PCB articles, PCB article containers, PCB containers, PCB-contaminated electrical equipment, PCB equipment, PCB items, PCB transformers, and PCB wastes as described in CH-FL's October 12, 2011, application. Currently, CH-FL operates a treatment, transfer, and storage operation for off-site generated hazardous and non-hazardous wastes. Waste management activities at CH-FL are conducted pursuant to a license issued by the Florida Department of Health and a final RCRA Part B Resource Conservation and Recovery Act (RCRA) permit issued by the Florida Department of Environmental Protection.

On October 12, 2011, CH-FL submitted to the EPA a commercial PCB storage approval renewal application for the storage of PCB waste generated by others, in quantities greater than 500 gallons. After a completeness and technical adequacy review of the application, the EPA has determined that the application meets the regulatory criteria, identified at 40 CFR §761.65(d)(2)(i) through (d)(2)(vii).

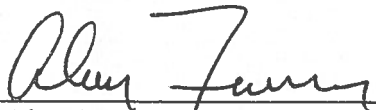
APPROVAL

Approval is hereby granted to CH-FL, 170 Bartow Municipal Airport, Bartow, Florida 33830 (EPA ID No. FLD 980 729 610), 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 years from the date of signature, unless revoked, suspended, or terminated in accordance with the Approval conditions stated herein.

This Approval does not relieve CH-FL 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.

Date: 6/14/2013



G. Alan Farmer
Director
RCRA Division

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Figure 1- Approved PCB Storage Area (Approval Application Figure 8.4)

I. Standard Conditions

A. Effect of Approval

1. CH-FL may store PCB waste in accordance with these Approval conditions and the federal PCB regulations at 40 CFR Part 761. Any storage of PCB wastes 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 CH-FL 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. CH-FL must comply with and operate in accordance with the provisions of the federal PCB regulations at 40 CFR 761 and with the Approval conditions stated herein.
2. These Approval conditions are based on the facts, representations and certifications made by CH-FL in its approved application dated October 12, 2011, as amended (incorporated herein by reference). In the event that these Approval conditions are inconsistent with the approved application, CH-FL must abide by the Approval conditions stated herein.

D. Approval Suspension/Revocation

1. Departure from these Approval conditions, the approved application, approved modification(s) to this Approval or the federal PCB regulations, without prior written approval by the EPA may result in the immediate revocation, suspension and /or modification of this Approval, in addition to any other legal or equitable relief or remedy the EPA may choose to pursue.

2. Any misrepresentation or omission of any material fact in the facility application or in any records or reports may result in the EPA's revocation, suspension and/or modification of this Approval, in addition to any other legal or equitable relief or remedy the EPA may choose to pursue.
3. This Approval may be suspended or revoked at any time by the 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 years from the date of the EPA's issuance of this Approval.
2. This Approval and its conditions herein will remain in effect beyond the Approval expiration date if CH-FL has submitted a timely, complete and adequate notice of intent to continue the Approval and, through no fault of CH-FL, the EPA has not issued an Approval renewal.

F. Approval Renewal

1. To continue the commercial storage of PCBs and PCB items granted by this Approval after the expiration date of this Approval, CH-FL must notify the 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. The EPA may require CH-FL to submit additional information in connection with the renewal of this Approval. The EPA shall review the submitted information and determine if this Approval is to be renewed.

G. Approval Modification

1. CH-FL shall notify the EPA in writing of any intended modification of this Approval or CH-FL'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 of the facility. A major modification to this Approval or the final application shall be made only upon written approval of the RCRA Division Director, EPA Region 4.
3. A "minor modification" is defined as an administrative or informational change which may include: correction of typographical errors; changes to conform to revised Agency

guidance or regulations; or any other change by the Agency or CH-FL which does not affect the overall performance or environmental impact. A minor modification to this Approval or the application shall be made upon the written concurrence of the EPA Region 4.

H. Entry and Inspection

CH-FL shall allow the EPA authorized representative(s) to, at reasonable times:

1. Inspect CH-FL'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 compliance with this Approval or the federal PCB regulations; and
4. Inspect CH-FL'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. CH-FL must maintain its financial assurance for closure until the 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 commercial storage application one including all of the elements listed in 40 CFR §761.65(d);
 - d. The transferee resolves any deficiencies the 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 CH-FL or the transferee to comply with any of the provisions of Condition I.I 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 the EPA from a specific individual or entity for the purpose of ensuring compliance with this Approval.

II. General Facility Conditions

A. Operation of Facility

CH-FL 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. When conducting the chemical analysis of PCBs, CH-FL shall do so using gas chromatography in accordance with 40 CFR §761.60(g)(1)(iii).
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, CH-FL shall use a standard wipe test as defined in 40 CFR §761.123.

C. Security

All PCB storage areas at CH-FL shall be secured (e.g., fence, alarm system, or barricades) to restrict access by unauthorized persons. The storage area shall be secured at all times (e.g. gates closed).

D. Personnel Training

1. CH-FL shall ensure through documented training that the personnel directly involved with the handling or disposal of PCBs are demonstrably familiar with the requirements of this Approval and with the regulatory requirements under 40 CFR Part 761 as they relate to specific job tasks. Training for personnel directly involved in the operation and maintenance of the PCB storage areas must include, at a minimum:
 - a. The types of PCB waste that may be stored;
 - b. Safe PCB sampling and handling procedures;
 - c. The location of spill response equipment and proper usage techniques;
 - d. The health and environmental hazards that PCBs pose to the individuals/employees and the environment;
 - e. Basic recordkeeping requirements under this Approval and the location of records;

- f. Inspection requirements, including use of facility specific inspection forms;
 - g. Notification requirements;
 - h. Disposal requirements for regulated PCB wastes generated during the operation of the PCB storage area; and
 - i. Reporting requirements.
2. Training for new employees involved with managing PCBs shall be completed within thirty days of employment.

E. Safety and Health

1. CH-FL shall comply with all applicable safety and health standards, as required by federal, state and local regulations and ordinances. The Federal OSHA requirements can be found at <http://osha.gov/>.
2. Injuries or illnesses directly related to PCB exposure, or resulting from spills or handling of PCBs during the approval period, must be reported to the EPA Region 4 in writing. The report must include a description of the incident and the corrective measures or treatment provided. Within five days of completing the corrective measures and/or treatment, CH-FL must submit the report to:

U. S. Environmental Protection Agency
Atlanta Federal Center
61 Forsyth Street, S.W.
Atlanta, GA 30303-8960

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 (CERCLA), 40 CFR Part 302, "Designation, Reportable Quantities, and Notification," CH-FL must notify the National Response Center (NRC) at (800)-424-8802. Releases or spills of ten 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 at (404)-562-8440 or (404)-562-8705. Further, for any spills or releases of an RQ of PCBs that leave the facility and enter the environment through any conveyance or means, CH-FL may be required to notify not only the NRC, but also the Local Emergency Planning Committee and the State Emergency Response Commission as required by Section 304 of the Emergency Planning and Community Right to Know Act (EPCRA), 42 U.S.C. §11004.

2. A written summary report about a reportable spill incident, as identified in the preceding paragraph, must be submitted to the EPA within five business days following the incident. When the EPA requests a detailed report on the incident, this report shall be submitted to the EPA within 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 CH-FL operations to prevent such spills in the future.
3. Cleanup of PCB spills must 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 as required by 40 CFR §761.60.

G. Emergency Procedures

CH-FL 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, CH-FL must notify the EPA Region 4 at (404)-562-8440 or at (404)-562-8705.

H. Recordkeeping and Reporting

1. CH-FL must maintain on-site: a copy of this Approval; all employees training records, the Spill Prevention Control and Countermeasure Plan; and records documenting sampling and analytical procedures used to determine PCB concentrations.
2. All reports and other information requested by the EPA shall contain a certification as defined in 40 CFR §761.3 and be signed by an authorized representative of CH-FL.
3. CH-FL must record the facility specific inspections required by Approval Conditions III.I. of this Approval, in a facility specific inspection log or summary. Records of inspections, training, maintenance, cleanup and disposal must be maintained at the facility in accordance with this Approval and 40 CFR §761.180(a) and (b). All records required by this approval and/or supporting documentation must be immediately made available to the EPA upon request during regular business hours. Inspection records must be kept three years from the date of the inspection.
4. CH-FL 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). The annual report shall include a certification statement as defined in 40 CFR §761.3.
5. CH-FL 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 the EPA, notwithstanding any other provision of this Approval or the federal PCB regulations at 40 CFR Part 761.

I. Closure and Financial Requirements

1. CH-FL must maintain a facility specific closure plan, a facility specific closure cost estimate, and corresponding financial assurance for closure, in accordance with 40 CFR §761.65(e), (f) and (g), respectively.
2. When the EPA approves a modification to the facility's closure plan and that modification increases the cost of closure, CH-FL shall revise the closure cost estimate and the financial assurance mechanism, if applicable, no later than thirty days after the modification is approved.
3. During the active life of the PCB storage operations, CH-FL must annually update the closure cost estimate for inflation and for changes beyond control of CH-FL which may affect disposal costs.
4. CH-FL shall keep a copy of the current closure plan, closure cost estimate and financial assurance document(s) at the facility and make such documents available to the EPA inspectors for review, upon request.

III. PCB Management

A. Approved PCB Storage Area

All PCB waste shall be stored within the approved PCB storage area as described in the approval application. The approved PCB storage area is the 426.8 square foot, bermed, roofed and walled container storage area designated as "Cell O" on Figure 8.4 of the approval application and as depicted in attached Figure 1.

B. Design Requirements of Storage Area

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

C. Maximum PCB Storage

No more than a combined total of 3,520 gallons of PCB wastes shall be stored in the approved PCB storage unit.

D. PCB Waste Types Authorized for Storage

1. As identified in the approved application, PCB wastes approved for storage are limited PCB Articles, PCB Article Containers, PCB Containers, PCB Equipment, PCB items, PCB transformers, and PCB wastes.
2. The waste streams identified in Approval Condition III.D.1 above may include PCB wastes that are solely regulated for disposal under TSCA, PCB wastes that are also regulated as hazardous wastes under RCRA, and PCB wastes that are regulated for disposal under TSCA and RCRA.

E. 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).

F. 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.

G. Container Stacking

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 thirty 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. Containers shall be stored in no more than two containers wide.

H. Management of PCB Items

1. PCB Containers, PCB Articles and PCB Article Containers shall always be closed during storage, except when adding and removing their contents.
2. PCB Containers, PCB Articles and PCB Article Containers must not be opened, handled, or stored in a manner which may damage them or cause them to leak.
3. If any PCB container, PCB Article or PCB Article Container is leaking or is otherwise defective, CH-FL shall immediately transfer the PCB waste to a container that is properly marked and structurally sound.
4. PCB containers, PCB Articles and PCB Article Containers shall be stored so that required PCB marks, storage dates and other identification information can be easily read by any inspector.

I. Inspection Requirement

1. All PCB Items in storage shall be inspected for leaks at least once every thirty days. Any leaking PCB Item and its contents shall be transferred immediately to properly marked non-leaking containers. Leaked or spilled materials shall be immediately and properly cleaned up in accordance with 40 CFR Part 761, Subpart G, PCB Spill Cleanup Policy, and the PCB-contaminated materials must be disposed of in accordance with 40 CFR §761.60.
2. The condition of floor, joints and curbing in the PCB storage area shall be inspected at least every thirty days. Any needed repairs noted during such inspections shall be made within seven days of the inspection date unless a longer repair period is authorized by the EPA.

J. Marking and Dating Requirements

1. The approved PCB storage area identified in Approval Condition III.A., shall be marked as required by 40 CFR §761.40(a)(10), at all external entrances allowing direct or indirect access to the PCB storage area. These markings shall be located on the door or immediately adjacent to the entrance where they can be clearly seen at all times. Large PCB marks shall also be posted immediately adjacent to all approved storage areas, prior to the first use of the area for PCB storage, and must remain in place until the storage area is decontaminated in accordance with the approved facility closure plan.
2. PCB Items in storage shall be marked in accordance with applicable requirements in 40 CFR §761.40.
3. PCB Items shall be dated in accordance with 40 CFR §761.65(c)(8). PCB waste storage shall be managed so that the PCB item can be located by the removal from service date or by the item's unique tracking number.

Figure 1- Approved PCB Storage Area

