

## **SECTION J**

### **OTHER FEDERAL AND STATE LAWS**

Revision No.

5.0

**SECTION J**  
**OTHER FEDERAL AND STATE LAWS**

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## SECTION J

### OTHER FEDERAL AND STATE LAWS

In accordance with the requirements of 40 CFR 270.14(b)(20) and ADEM Administrative Code Rule 335-14-8-.02(5)(b)20., this section provides information as may be necessary to enable the Department to carry out its duties regarding other laws as required by 40 CFR 270.3 and ADEM Administrative Code Rules 335-14-8-.01(3).

#### J-1 Existing Permits

A list of existing environmental permits for the Facility is provided in Attachment A-1-1 of Appendix A to Section A of this Application. The Facility's current approved Toxic Substances Control Act (TSCA) Permit is provided as Appendix J-1 to this section.

#### J-2 Pending or Planned Permits

As of August 29, 2022, no environmental permits were pending or planned for the Facility.

#### J-3 The Wild and Scenic Rivers Act

The Facility is not located near a Wild and Scenic River; therefore, the provisions of this act are not applicable.

#### J-4 National Historic Preservation Act of 1966

There are no National Historic Sites of record listed within the Facility boundary; therefore, the provisions of this act are not applicable.

#### J-5 Endangered Species Act

There are no endangered species listed within the Facility boundaries, and the Facility maintains a security system which prevents access of animals to the property; therefore, the provisions of this act are not applicable.

#### J-6 Coastal Zone Management Act

The Facility boundaries are not within the limits of the Coastal Zone Management Act; therefore, the provisions of this act are not applicable.

## **J-7 The Fish and Wildlife Coordination Act**

There are no rivers within the Facility boundaries, and there is no apparent effect on the wildlife resulting from the existence of the Facility; therefore, the provisions of this act are not applicable.

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[End of Section J Text]

**APPENDIX J-1**

**SECTION J**

**TOXIC SUBSTANCES CONTROL ACT PERMIT**



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION 4  
ATLANTA FEDERAL CENTER  
61 FORSYTH STREET  
ATLANTA, GEORGIA 30303-8960

September 18, 2020

Michael Davis  
District Manager  
Chemical Waste Management, Inc.  
36964 Alabama Highway 17  
Emelle, Alabama 35459

Re: Approval to Commercially Store, Process and Dispose of  
Polychlorinated Biphenyl (PCB) Waste at Chemical Waste Management  
36964 Alabama Highway 17, Emelle, Alabama  
Pursuant to 40 CFR §§ 761.65 and 761.75

Dear Mr. Davis:

Enclosed is the U.S. Environmental Protection Agency PCB Approval to store, process, and dispose of PCB waste at the Chemical Waste Management, Inc., Emelle, Alabama facility. Based on the information provided in the June 21, 2019 Draft TSCA Permit Application and the updated July 1, 2020 TSCA Permit Renewal Application, the EPA has determined that the PCB storage, processing and disposal operations should not present an unreasonable risk of injury to human health or the environment. The Approval authorizes Chemical Waste Management, Inc., under the authority of the Toxic Substance Control Act (TSCA) Section 6(e) and 40 CFR §§ 761.65 and 761.75, to store, process, and dispose of PCB waste.

A public notice of the availability of the draft Approval for review and request for information was published in the Sumter County Record Journal on August 13, 2020. During the 30-day public notice period, the EPA recorded six comments from one citizen. The EPA's response to these comments received is also enclosed.

This Approval does not exempt Chemical Waste Management, Inc. from any other applicable federal, state and local laws, rules and regulations. If there are any questions about this Approval, please contact Peter Johnson at (404) 562-8459 or Terri Crosby-Vega at (404) 562-8497.

Sincerely,

CESAR  
ZAPATA

Digitally signed by  
CESAR ZAPATA  
Date: 2020.09.18  
11:56:13 -04'00'

Cesar Zapata  
Acting Director  
Land, Chemicals and Redevelopment Section

Enclosures

cc: Tom Garrett, Alabama Department of Environmental Management  
Scott Terrell, Jacobs Engineering Group, Inc.

**RESPONSE TO COMMENTS RECEIVED DURING  
PUBLIC NOTICE OF CHEMICAL WASTE MANAGEMENT  
POLYCHLORINATED BIPHENYL (PCB) APPROVAL**

In this document, the U.S. Environmental Protection Agency summarizes the public comments received during the public notice period from August 13, 2020 to September 12, 2020 and the EPA's response to those comments regarding the proposed PCB Approval for the Chemical Waste Management (CWM) facility, Emelle, Alabama. The EPA's Approval for the commercial storage, processing and disposal of PCB waste at the CWM facility is authorized and governed by the Toxic Substances Control Act (TSCA) and 40 Code of Federal Regulations (CFR) Part 761. These requirements pertaining to PCBs are not delegable to the state of Alabama.

Listed below are the comments received during the public notice period and the EPA's response to the comments.

**Comments Submitted via Phone Call to the EPA PCB Project Manager on September 10, 2020**

“Is a 10-year permit normal, or is this issued for a longer duration than normal?”

*For a TSCA permit, 10 years is typical. Resource Conservation and Recovery Act (RCRA) permits can be issued for a five-year period, but a 10-year TSCA permit is typical. If changes are necessary during the life of a permit, modifications to the PCB Approval can be made. During the 10-year period, a permit holder is required to submit reports to the EPA on an annual basis and follow specific sampling schedules. The EPA can revoke the permit if violations or other issues occur.*

“A 2015 complaint by a former employee was filed in 2020. Do you know why?”

*The EPA has found that the case was dismissed in 2020. The caller was provided the Alabama Department of Environmental Management (ADEM) project manager's contact information, who would be a better contact regarding some of the alleged violations (RCRA related).*

“How do you know that groundwater or the nearby environment isn't being contaminated?”

*The PCB Approval specifically requires sampling, including semi-annual groundwater sampling from specified groundwater monitoring wells installed near trenches 22 and 23, monthly surface water sampling (during discharge periods) at basin discharge points from trenches 22 and 23, and semi-annual leachate monitoring samples. The facility sends the EPA a summary of monitoring data by July 15, of each year. Any detection of PCBs greater than 0.5 micrograms/liter is also reported to the EPA. In addition, ADEM completes a minimum of one PCB inspection each year.*

“How do I submit a comment? How does the EPA review and address the comments? How many comments have you received?”

*The EPA typically receives written comments, but comments can also be submitted over the phone. The comments are reviewed and responses are prepared by the EPA PCB Project Manager in coordination*



*with the PCB Program Coordinator, section chief and other upper management personnel, depending on the complexity of the issue. The PCB Project Manager also directed the caller to review the “Tips on Effective Written Public Comments” link placed at the bottom of the Fact Sheet, which she was able to find.*

“Have you let anyone know about this Approval? Have you contacted anyone in the community to make them aware of this?”

*The Mayor of Emelle and the Director of the Sumter County Emergency Management Agency were made aware of this proposed PCB Approval renewal. In addition, the EPA obtained all addresses within a two-mile radius of the site and CWM sent the TSCA PCB Approval Fact Sheet for Public Comment to those 77 addresses via certified mail. Some of the mail was returned as it was not an address, but likely a parcel number. The EPA also arranged, through the Mayor and the CWM site manager, to place the hard copy of the proposed Approval, CWM PCB permit renewal application and the Fact Sheet at the Emelle Town Hall. The Mayor provided his personal cell phone number to any interested individuals to schedule a time to view the documents. The Public Notice was also published in the local newspaper.*

“Are we able to talk about this after the Public Comment period ends on September 12th?”

*Yes, the EPA is always willing to discuss concerns and answer questions; however, comments pertaining to this approval action had to be received by September 12, 2020 for them to be considered and addressed before the issuance of the final approval.*

**Letter submitted to the President and Chief Executive Officer of Chemical Waste Management, Inc. on September 1, 2020 (Received by EPA on September 16, 2020)**

*A resident and landowner of Emelle, Alabama submitted a letter to the President and Chief Executive Officer of Chemical Waste Management, Inc. requesting that the TSCA PCB Approval documents be provided to him in a timely manner, prior to a public hearing.*

*The Chemical Waste Management, Inc. Emelle, Alabama facility manager is responding and mailing the PCB Approval documents that were made accessible to the public, to the resident and landowner. The CWM will also provide in their response that there is no public hearing that will take place related to issuance of the PCB Approval; however, there may be a public hearing related to the RCRA permit renewal due in October 2021.*

**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION 4  
61 Forsyth Street Southwest  
Atlanta, Georgia 30303**

**IN THE MATTER OF:** )  
 )  
**Chemical Waste Management, Inc.** ) **Approval for Commercial Storage,**  
**36964 Alabama Highway 17** ) **Processing and Landfill Disposal of**  
**Emelle, Alabama 35459** ) **Polychlorinated Biphenyls (PCBs) and**  
**EPA ID # ALD 000622464** ) **PCB Items 40 CFR §§ 761.65 and 761.75**

**AUTHORITY**

This Approval to commercially store, process and dispose of Polychlorinated Biphenyls (PCB) waste is issued for the Chemical Waste Management, Inc. facility at 36964 Alabama Highway 17, Emelle, Alabama (Emelle Facility) pursuant to Section 6(e)(1) of the Toxic Substances Control Act (TSCA), 15 United States Code § 2605(e)(1), and 40 Code of Federal Regulations (CFR) Part 761, “Polychlorinated Biphenyls (PCBs) Manufacturing, Processing, Distribution in Commerce, and Use Prohibitions.”

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## **BACKGROUND**

Chemical Waste Management, Inc. (CWM) owns and operates the commercial hazardous waste treatment, storage and disposal facility located at 36964 Alabama Highway 17, Emelle, Sumter County, Alabama. The Emelle Facility has been in operation since 1977. At the Emelle Facility, CWM receives and manages a broad range of Resource Conservation and Recovery Act (RCRA) hazardous wastes, TSCA regulated PCBs and PCB Items and non-hazardous/non-TSCA industrial wastes. Liquid and solid wastes are received at the Emelle Facility in both bulk and containerized shipments. CWM also receives drained and undrained PCB Contaminated Electrical Equipment and other PCB Articles. After waste identification and acceptability for management has been confirmed by CWM, an incoming load may be sent directly to the operating landfill cell for disposal, off-loaded to container storage units or storage tanks for temporary storage, or directed to a treatment unit for processing prior to landfill disposal all which are located within the Emelle Facility. PCB Transformers and PCB Articles that arrive at the Emelle Facility are drained and flushed as necessary prior to landfill disposal of the carcasses. PCB liquids containing  $\geq 50$  parts per million (ppm) are stored on-site prior to shipment and off-site disposal at a TSCA incinerator.

CWM holds several federal and state permits/approvals governing its waste management operations. Key among these are a hazardous waste treatment, storage and disposal permit issued by the Alabama Department of Environmental Management (ADEM) on October 21, 2016, and a National Pollutant Discharge Elimination System (NPDES) permit issued by ADEM on June 28, 2018.

The April 16, 2007 PCB storage and disposal permit issued by the U.S. Environmental Protection Agency (EPA) expired concurrently with CWM's RCRA Part B permit on November 7, 2009; therefore, on April 30, 2009 CWM submitted a request for extension and intent to renew the RCRA Part B permit and TSCA Approval to store, process and dispose of PCB waste to the EPA. On June 21, 2019, CWM submitted a "Draft TSCA Permit Application" (Draft TSCA Approval Renewal Application) for the renewal of the Approval to commercially store, process and dispose of PCBs and PCB items to the EPA. On May 6, 2020, the EPA provided comments to CWM pertaining to its draft application for a renewed Approval. On July 1, 2020, CWM submitted a revised "TSCA Permit Renewal Application" (TSCA Approval Renewal Application) of the PCB Approval along with its response to the EPA's comments. CWM's Approval Renewal Application includes a table that references the applicable TSCA approval requirements of 40 CFR §§ 761.65(d) and 761.75(c) to specified locations in the CWM December 2018, RCRA Part B permit application. Based on its review of the Draft TSCA Approval Renewal Application submitted on June 21, 2019, the revised TSCA Approval Renewal Application and response to comments submitted on July 1, 2020, and the referenced portions of the December 2018, RCRA Part B permit application, the EPA is issuing this renewed Approval as set forth below.

## **APPLICABLE REGULATIONS**

This Approval is issued in accordance with applicable requirements of the PCB Regulations at 40 CFR Part 761. The regulations applicable to the storage for disposal of PCBs and PCB Items at concentrations of 50 ppm or greater are set forth in 40 CFR § 761.65, "Storage for disposal." Pursuant to 40 CFR § 761.65(d) commercial storers of PCB waste are required to obtain a written approval issued by the Regional Administrator for the region in which the storage facility is located. Regulations pertaining to requirements for landfill disposal of PCBs are codified at 40 CFR § 761.75, "Chemical

Waste Landfills.” On January 30, 2015, the authority of the Region 4 Regional Administrator for PCB approval was delegated to the Director of the Resource Conservation and Restoration Division, which in 2019 was reorganized into the Land, Chemicals and Redevelopment Division (LCRD).

### **FINDINGS**

1. The EPA has determined that Trenches 22 and 23 at CWM’s Emelle Facility sufficiently meet the requirements for approval as chemical landfill units for disposal of PCBs pursuant to 40 CFR § 761.75(b), with the following exception:

The bottom of the landfill units at Emelle are not located at least 50 feet above the groundwater table as required by 40 CFR § 761.75(b)(3).

2. Pursuant to 40 CFR § 761.75(c)(4), the EPA has determined that a waiver of the hydrologic conditions requirement of 40 CFR § 761.75(b)(3) will not present an unreasonable risk of injury to health or the environment from PCBs, based on the following conditions:
  - a) The landfill units are designed, constructed and operated to meet current RCRA standards;
  - b) each cell or unit is constructed with a primary and secondary liner system composed of compacted chalk overlain by high-density polyethylene;
  - c) the leachate collection system located above the primary liner is designed to collect and remove leachate, such that the depth of leachate over the liner does not exceed one foot;
  - d) the leachate collection system between the liners is designed to detect, collect and remove leaks of hazardous constituents at the earliest practicable time, prior to its release to the environment;
  - e) groundwater level conditions external to the landfill cells in concert with the internal leachate depth limitation create an inward hydraulic gradient, effectively preventing leach migration; and
  - f) the regional drinking water aquifer, the Eutaw Formation, is located approximately 600 – 750 feet below land surface and is overlain by the low-permeability Selma Chalk.
3. PCBs are listed as hazardous constituents under RCRA. Releases of hazardous constituents from closed and inactive landfill units at the Emelle Facility are subject to RCRA’s monitoring and corrective action requirements found at 40 CFR Part 264, Subpart F.
4. Pollutant discharge limitations and monitoring requirements for surface water at the Emelle Facility are set forth in the NPDES permit issued by ADEM. The NPDES permit contains limited requirements for PCB monitoring at a specific outfall.

5. In view of findings 3 and 4, the Region 4 PCB program has determined that it is appropriate to defer to or coordinate with the RCRA and NPDES regulatory programs on some aspects of PCB monitoring and release response actions for surface water and groundwater.
6. CWM has a combined closure and a post-closure care plan that applies to both the RCRA and TSCA requirements for the Emelle Facility. CWM has established financial assurance to cover closure and post-closure care costs for all RCRA, TSCA, and combined RCRA/TSCA waste management units.
7. The EPA provided CWM with comments on May 6, 2020 and June 6, 2020 regarding CWM's June 21, 2019 Draft TSCA Approval Renewal Application. The application included referenced portions of the CWM December 2018 RCRA Part B permit application. A revised TSCA Approval Renewal Application and response to comments was received by the EPA on July 1, 2020. The response to comments both acknowledged the EPA's comments on the referenced portions of the December 2018 RCRA Part B permit application and proposed that changes to the RCRA Part B permit application be addressed by CWM when the RCRA Part B permit renewal application is submitted, due to expire on October 20, 2021. The EPA agreed to this approach. CWM shall notify the EPA in writing of any modification to the July 1, 2020 response to comments.
8. The EPA has determined that CWM's PCB storage, processing and landfill disposal operations at the Emelle Facility as described in the application for renewal of the Approval, as revised, and carried out in accordance with the approval conditions established herein, will not pose an unreasonable risk of injury to health or the environment.

#### **EFFECTIVE DATE**

This renewed 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 CFR § 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 “CWM Application” mean all data and materials upon which the EPA based its decision to approve CWM's request for approval to commercially store, process and dispose of PCBs and PCB Items, e.g. information submitted to the EPA by CWM to define, represent, or describe CWM's commercial storage, processing and disposal operations. This includes CWM's June 21, 2019 Draft TSCA Approval Renewal Application, the July 1, 2020 revised TSCA Approval Renewal Application, the TSCA referenced portions of the December 2018 RCRA

Part B permit application and any subsequent CWM application that the EPA approves in writing as a modification to this Approval.

“CFR” means the Code of Federal Regulations.

“CWM” means Chemical Waste Management, Inc., the company which operates the PCB waste commercial storage, processing, and disposal facility located at 36964 Alabama Highway 17 in Emelle, Alabama, and which is approved to commercially store, process and dispose of PCB waste under this Approval.

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

“Delegate” means the EPA Region 4 Land, Chemicals and Redevelopment Division Director.

“Emelle Facility” mean all contiguous land and improvements on the land and all structures and other appurtenances of the PCB waste commercial storage, processing and disposal facility located at 36964 Alabama Highway 17 in Emelle, Alabama.

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

“Free Liquids” means liquids which readily separate from the solid portion of a waste under ambient temperature and pressure.

“LCRD means the Land, Chemicals and Redevelopment Division in the EPA Region 4

“Leachate means any liquid, including any suspended components in the liquid that has percolated through or drained from hazardous waste(s) and/or PCB waste(s).

“Liquid PCBs” means a homogeneous flowable material containing PCBs and no more than 0.5 percent by weight non-dissolved material.

“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 of typographical errors.

“Non-Liquid PCBs” means materials containing PCBs that by visual inspection do not flow at room temperature (25 °C or 77 °F) or from which no liquid passes when a 100 g or 100 ml representative sample is placed in a mesh number 60 ±5 percent paint filter and allowed to drain at room temperature for 5 minutes.



“PCB(s)” means polychlorinated biphenyl(s).

“PCB Container” means any package, can, bottle, bag, barrel, drum, tank, or other device that contains PCBs or PCB Articles and whose surface(s) has been in direct contact with PCBs.

“PCB Equipment” means any manufactured item, other than a PCB Container or a PCB Article Container, which contains a PCB Article or other PCB Equipment, and includes microwave ovens, electronic equipment, and fluorescent light ballast and fixtures.

“PCB Program Coordinator” means the person within Region 4 designated to coordinate PCB activities for EPA Region 4. Mailing Address: PCB Program Coordinator, U.S. EPA Region 4, 61 Forsyth Street Southwest, Mail Code 9T25, Atlanta, Georgia 30303. For the most current contact information, visit the EPA Region 4 PCB Program webpage at <https://www.epa.gov/pcbs/epa-region-4-polychlorinated-biphenyls-pcbs>.

“PCB Regulations” are the regulations at 40 CFR Part 761.

"Processing" means waste management activities which are primarily associated with and facilitate storage, transportation or disposal. Examples include but are not limited to: PCB transformer draining and flushing, draining or pumping liquids out of temporary storage containers or articles into drums, tanks or tank trucks; dismantling or disassembling equipment or articles; packaging or repackaging for transportation or disposal; solidification or stabilization; and/or phase separation of multi-phasic materials.

“Regional Administrator” means the EPA Regional Administrator.

"Solidification" means the addition of a dry, inert absorbent to a liquid or semi-liquid waste to reduce its water content or increase its solids content such that free liquids are eliminated.

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

“SPCC Plan” is the Spill Prevention Control and Countermeasure Plan prepared in accordance with 40 CFR Part 112.

"Stabilization" means the addition of reagents (e.g., Portland cement) to waste for the principle purpose of reducing contaminant mobility.

“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) CWM must comply with and operate the Emelle Facility in accordance with: (1) Section 6(e) of TSCA, 15 U.S.C. § 2605(e); (2) the PCB regulations at 40 CFR Part 761, including but not limited to the requirements of the “PCB Spill Cleanup Policy” codified at 40 CFR Part 761, Subpart G; (3) the approval conditions stated herein; and (4) the information included in CWM’s Application.
- (b) Noncompliance with any provision of the CWM Application and/or any condition of this Approval shall be deemed a violation of this Approval and may subject CWM to civil or criminal enforcement action and associated penalties.
- (c) This Approval supersedes all previous Approvals for the commercial storage, processing and disposal of PCB waste at the Emelle Facility issued by the EPA to CWM.
- (d) This Approval is based in part on the facts, representations, and certifications made by CWM in its Application. In the event that the conditions of this Approval are inconsistent with the provisions of or information contained in the CWM Application or supporting documentation, CWM must comply with the conditions of this Approval.
- (e) CWM is responsible for and may be subject to liability 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 may constitute a violation of the requirement in 40 CFR § 761.50(a) to store or dispose of PCB waste in accordance with 40 CFR 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 CWM of the responsibility to comply with all other applicable federal, state, and local laws and regulations, including the PCB Regulations. CWM 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 CWM becomes aware that it is operating the Emelle Facility in a manner that is not in compliance with this Approval or other applicable provisions of the PCB regulations, CWM shall notify the PCB Program Coordinator within 24 hours and shall submit a summary report electronically to the PCB Program Coordinator describing the noncompliance within five calendar days of first becoming aware of its operational non-compliance.

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

- (a) The EPA reserves the right to modify, suspend, revoke, or terminate this Approval if the following occurs:
  - i. CWM fails to operate the Emelle Facility in compliance with this Approval;
  - ii. there is reason to believe that continued operation of the Emelle 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, CWM shall provide information the EPA deems necessary to determine whether cause exists for modification, suspension, revocation or termination of this Approval. CWM 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;
  - iii. a discovery of misrepresentation(s) or omission(s) of material fact(s) in the CWM Application; or
  - iv. environmental civil violations committed by or criminal convictions of CWM, 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. Application and Approval Modifications

- (a) CWM must submit an application electronically to the PCB Program Coordinator and receive written EPA approval for any modification to the CWM Application or to this Approval. CWM must not implement any such modifications until it receives written EPA consent.
- (b) Any proposed minor modifications to the CWM Application or to this Approval shall be submitted to the PCB Program Coordinator and shall be implemented only after receipt of written consent from the EPA.
- (c) Any proposed major modifications to the CWM Application or to this Approval shall be submitted to the PCB Program Coordinator and shall be implemented only after receipt of written consent from the EPA.

5. Approval Expiration/Renewal

- a) This Approval shall expire ten years from the date of issuance. 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 period specified in Condition A.5(b) and

the EPA has determined in writing that the application is complete.

- b) To continue the commercial storage, processing and disposal of PCBs and PCB Items granted by this Approval after the expiration date of this Approval, CWM 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 CFR §§ 761.65(d)(3) and 761.75(c)(3). A complete renewal application is considered to be 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 CWM to submit additional information to support the renewal of this Approval. If CWM submits this information to the EPA at least 180 days prior to the expiration date of this Approval, this Approval continues in force (i.e., does not expire) until the EPA issues an approval renewal, a conditional approval renewal or an approval request denial.
- c) If CWM 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 CWM's intent to close.

#### 6. General Waste Analysis and Inspection Requirements

The following requirements apply to incoming shipments of PCB waste that are destined for disposal at the Emelle Facility or that are processed for disposal elsewhere.

- a) PCB concentrations shall be determined on a dry weight basis for non-liquids, and on a wet weight basis for PCB liquids.
- b) Sampling and analysis to determine PCB concentration, whether performed by CWM or the generator, shall include the following specific samples:
  - i. For multi-phase waste, samples from each phase present in the waste. For wastes containing an aqueous phase in contact with a solid phase or organic liquid phase which is expected to have a higher PCB content than the aqueous phase, a separate analysis for the aqueous phase is not required if the aqueous phase is managed as if it contained PCBs at the concentration of the non-aqueous phase;
  - ii. for stratified sludge containing free liquid, samples from significant layers; and
  - iii. for sludge containing free liquids which are greater than three feet in depth, samples at two to three-foot intervals of depth with a minimum of two depths sampled.
- c) The laboratory shall use gas chromatography for chemical analysis of PCBs and shall follow sampling procedures as outlined in SW-846 in order to obtain representative samples for testing.

- d) PCB concentrations for liquid, non-liquid, multi-phasic wastes shall be determined and reported as specified in 40 C.F.R. § 761.1(b).
- e) All incoming containers and bulk loads of PCB wastes shall be inspected for presence/absence of free-standing liquids.
- f) Drained PCB contaminated electrical equipment and PCB Articles, shipped to CWM for disposal shall be inspected upon receipt to confirm that all free-flowing liquids have been removed prior to landfill disposal.
- g) CWM shall allow, at reasonable times, the EPA or EPA-authorized representative(s) to conduct inspections for the purpose of determining compliance with this Approval. Such inspection activities may include, but are not limited to, permitting the EPA or EPA-authorized representative(s) to:
  - i. Conduct interviews;
  - ii. inspect and/or collect copies of records and monitoring data;
  - iii. collect sample(s); and
  - iv. inspect, observe and document CWM's activities, equipment, work practices, operations and processes.

7. Change in Ownership or Operational Control

- a) CWM shall notify the Region 4 LCRD Director and PCB Program Coordinator via email at least 90 days before it intends to transfer ownership or operational control of the Emelle Facility. This notification shall include the name, address and telephone number of the intended transferee. Along with such notification, CWM shall submit an application to modify the CWM Approval providing the information required in all applicable provisions of 40 CFR §§ 761.65(d)(3) and 761.75(c)(3), along with a notarized affidavit signed by the intended transferee stating that it will abide by all conditions of the Approval, including the proposed modifications submitted in connection with the intended transfer of ownership or operation.
- b) After receiving CWM's notification and application to modify the Approval, the intended transferee's affidavit, evidence that the intended transferee has established financial assurance for closure pursuant to 40 CFR § 761.65(g) (if applicable), and other documents the EPA may require under 40 CFR § 761.65(j)(2), the EPA may either:
  - i. Modify the Approval to substitute the transferee's name for CWM and make other conforming minor modifications; or
  - ii. require the intended transferee to submit a revised application and/or apply for a new approval.
- c) The intended transferee shall not operate the Emelle Facility until the EPA Region 4 LCRD Director issues an Approval in the transferee's name.

- d) CWM must maintain its financial assurance for closure and post-closure for the Emelle Facility until the intended transferee has established financial assurance for closure and post-closure of the Emelle Facility pursuant to 40 CFR § 761.65(g) and the EPA issues an 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 Emelle Facility, there is a change in the Emelle 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. Bankruptcy

CWM must notify the EPA within 30 days of 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 operations at the Emelle Facility will not pose unreasonable risk of injury to health or the environment.

9. Change in Flood Plain Designation

CWM must submit a written notification to the PCB Program Coordinator immediately upon re-designation of the Emelle 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 the Emelle Facility operations resulting from or associated with such change in flood plain designation, may pose unreasonable risk of injury to health or the environment.

10. 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) CWM may store PCB wastes in the following units up to the maximum capacities specified herein:

(i) Container Storage

<b>Unit Number</b>	<b>Maximum Capacity (gallons)</b>
406	96,960
520	12,120
600	18,822
602	33,660
603	58,268
604	53,860
700	173,698
702	86,254
703A	10,000
1200A	24,240
2000	32,320
2200	871,104
<b>Total</b>	<b>1,471,306</b>

(ii) Bulk Liquid/Solid Storage in Tanks/Containment Buildings

<b>Tank (T)/ Containment Building (CB) Storage Unit Number</b>	<b>Maximum Capacity (gallons)</b>
T-520	15,291
T-634	10,152
T-635	10,152
T-636	10,152
T-1201A	20,802
T-1202A	20,398
CB-1200A	150,146
<b>Total</b>	<b>237,093</b>

(b) Storage of PCBs or PCB Items in an area other than the approved storage areas described above shall be deemed a violation of this Approval. See Attachments 2 and 3 for site diagrams depicting each of the TSCA/RCRA regulated storage units/areas.

## 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 at any time in each approved storage area are specified below. CWM's ability to store PCBs and PCB Items at the Emelle Facility is limited to the categories and quantities specified below for the PCB storage areas. CWM shall not accept or store any PCBs or PCB Items which have not been described below or quantities in excess of those listed below, unless otherwise approved by the EPA in writing on a case-by-case basis.
  - iii. Container Storage: 1,471,306 gallons in 12 areas as detailed above; and
  - iv. bulk Liquid/Solid Storage in Tanks/Containment Buildings: 237,093 gallons in storage tanks/containment buildings as detailed above.
- (b) CWM shall not substitute capacity of one of the PCB or PCB Item categories described above to prevent exceedance of the MSC in another PCB or PCB Item category.

### 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 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 Waste Storage Container Requirements

- (a) Stationary storage containers (tanks) used to store organic solvents containing > 2 ppm PCBs and PCB liquids containing > 50 ppm PCBs shall comply with the requirements of 40 CFR § 761.65(c)(7).
- (b) Containers used to store liquid or non-liquid PCB waste shall comply with the requirements of 40 CFR § 761.65(c)(6).
- (c) CWM's use of a PCB waste storage container that does not comply with any of the requirements described above shall be deemed a violation of this Approval.



4. PCB Storage, Marking and Labeling

- (a) CWM shall label all PCB Containers, PCB storage areas and any PCB Item subject to marking requirements under 40 CFR § 761.40 with the M<sub>L</sub> label defined in 40 CFR § 761.45.
- (b) CWM 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) CWM 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, CWM shall comply with the requirements of 40 CFR §§ 761.65(a)(2) and (3).

5. Storage Requirements for PCBs and PCB Items

- (a) Drums containing PCBs and PCB Items shall not be stacked in a manner that could result in a spill outside the storage areas. Drums shall not be stacked more than two drums high.
- (b) An aisle width of two feet, minimally, 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.
- (c) CWM 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 CWM as required by this Approval. During inspections conducted by the EPA or EPA-authorized representative(s), CWM shall move items as requested by the inspector(s) to allow the inspector(s) full access to the Emelle Facility and stored PCBs and PCB Items.
- (d) Access to the PCB storage areas shall be restricted to workers that have completed training in accordance with Condition H.4. and that are listed on the signature sheet described in Condition K.3(e). However, workers that are working for or on behalf of CWM as of the effective date of this Approval that have been trained under previous versions of the CWM 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 H.4.
- (e) CWM must document the PCB content of all inventory to establish compliance with the conditions of this Approval at all times. Sampling and analytical methods must comply with applicable provisions of the PCB Regulations.

- (f) If any PCB Container, PCB Article, PCB Article Container or PCB Equipment is leaking, CWM 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 Regulations and Condition I.4.
- (g) 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 CFR § 761.79.
- (h) 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.

#### 6. Storage Area Inspection Requirements

- (a) PCBs and PCB Items in storage shall be checked for leaks and spills daily. CWM need not document the daily inspections; however, any spills discovered during these routine inspections shall be cleaned up expeditiously, as specified in Condition I.4 and reported if required by Condition I.3. Records of cleanup and disposal must be maintained in accordance with Condition K.7.
- (b) At least once every 30 days, as required by 40 CFR § 761.65(c)(5), CWM shall conduct a thorough inspection of each PCB storage area at the Emelle Facility. The following elements shall be included in the 30-day inspections:
  - i. PCBs and PCB Items in storage shall be checked for leaks and spills;
  - ii. PCB Containers, PCB Article Containers, PCB Equipment, and stationary storage containers (tanks), and ancillary equipment (valves, pipelines, etc.) shall be checked for leaks;
  - iii. the condition of PCB liquid and spent solvent storage tank shells, tank supports, and tank area curbing shall be checked for cracks, leaks or deterioration;
  - iv. tank vents, high liquid level alarm systems and liquid level indicators shall be checked to make sure they are operating properly;
  - v. the condition of the floor, joints and curbing in the PCB storage area shall be checked; and
  - vi. spill response and emergency equipment as described in the SPCC Plan shall be checked and replaced or replenished as necessary.
- (c) PCBs or PCB Items found leaking shall be transferred 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 I.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. Processing for Disposal**

### **1. Authorized PCB Processing**

CWM is authorized to process PCB wastes to facilitate storage, transportation and/or disposal.

- (a) The following PCB waste processing activities are recognized under this approval:
  - i. Draining, pumping, suctioning and decanting liquids from containers or articles into other containers, bulk storage tanks, tank trucks, for transportation to a storage or disposal facility;
  - ii. repackaging or consolidating containerized PCB solids and articles in preparation for disposal or transportation;
  - iii. rinsing, crushing and shredding PCB Containers in preparation for landfill disposal or off-site recovery;
  - iv. solvent flushing PCB transformers and hydraulic machines in accordance with the requirements of 40 CFR § 761.60(b)(1)(i)(B) in preparation for landfill disposal;
  - v. blending PCB liquids and sludges destined for off-site disposal at a TSCA-approved incinerator; and
  - vi. stabilization of non-liquid PCBs in order to meet applicable 40 CFR Part 268 Subpart D treatment standards.

### **2. Processing Restrictions and Limitations**

- (a) Processing, diluting or otherwise blending PCB waste to avoid a concentration-based disposal requirement is prohibited.
- (b) Stabilization or solidification of liquid PCBs prior to landfill disposal, except as allowed under 40 CFR § 761.60(a)(3) and Condition D.1(a)(vi) is prohibited.
- (c) All processing of PCBs and PCB items shall be conducted within CWM's buildings and take place within spill containment enclosures. Fugitive vapor and particulate emission control systems designed and operated to prevent or limit releases of PCBs and volatile organic chemicals to the air shall be maintained in proper working order.
- (d) CWM shall not use a cutting torch or other thermal methods to cut PCB contaminated metal unless the item being cut is first decontaminated to meet 40 CFR § 761.79(b)(3)(i)(A).

3. Stabilization Mixing Tank Decontamination:

CWM currently operates two stabilization tanks in Unit 1200A at the Emelle Facility. These tanks are used for stabilization of RCRA wastes and non-liquid RCRA/PCB wastes. For PCB waste management purposes, CWM is allowed to operate the stabilization tanks as described below, in lieu of the decontamination procedures specified in the federal PCB regulations at 40 CFR § 761.79.

- (a) After PCB waste has been stabilized in a tank and the tank has been emptied of the stabilized waste so that no more than 0.3 percent by weight remains in the tank, the tank may be used to stabilize a different waste and this second waste will not be considered a PCB waste as a result of contact with the residuals remaining in the tank from the first waste, with the following restrictions:
  - i. CWM must assure that the wastes are compatible; and
  - ii. the first load of the second waste, subsequent to the PCB waste, must be disposed in a RCRA Subtitle C facility.
- (b) If the tank is to be used for some purpose other than waste treatment or is to be removed or disposed, it must be decontaminated or disposed in accordance with PCB Regulations.

**E. Landfill Disposal of PCBs and PCB Items**

1. PCBs and PCB Items Approved for Disposal

PCBs and PCB Items which may be disposed in Trenches 22 and 23 are limited to those which may be disposed in a chemical waste landfill, a RCRA Subtitle C landfill, or a state-approved solid waste landfill in accordance with 40 CFR 761 Subpart D. These materials include:

- (a) PCB remediation waste as defined in 40 CFR § 761.3, provided such remediation waste meets the definition of non-liquid PCBs as generated, or is the solid phase of a multiphasic PCB remediation waste that has been physically separated from the liquid phase(s) using procedures authorized by 40 CFR Part 761.
- (b) PCB bulk product waste as defined in 40 CFR § 761.3.
- (c) PCB Articles as follows:
  - i. PCB Transformers drained and flushed as specified in 40 CFR § 761.60(b)(1)(i)(B);
  - ii. PCB hydraulic machines, provided that 40 CFR § 761.60(b)(3)(ii) requirements are met;
  - iii. PCB-contaminated electrical equipment provided that all free-flowing liquid PCBs have been thoroughly drained from such equipment before placement in the landfill as specified in 40 CFR § 761.60(b)(4);

- iv. natural gas pipe containing PCBs provided that all free-flowing liquid PCBs have been thoroughly drained before placement in the landfill as specified in 40 CFR § 761.60(b)(5);
- v. other PCB articles in accordance with 40 CFR § 761.60(b)(6)(i)(B) requirements; and
- vi. other PCB-contaminated articles and small PCB capacitors which may be disposed as municipal solid waste under 40 CFR § 761.60(b), provided all requirements for such disposal have been satisfied.

(d) PCB containers in accordance with the requirements of 40 CFR § 761.60(c).

## 2. Landfill Design and Operation

- (a) Landfill Trenches 22 and 23 shall be designed and constructed in accordance with requirements of Condition VII.D of CWM's October 21, 2016, Alabama Hazardous Wastes Management and Minimization Act (AHWMMA) Operating Permit. PCB disposal operations in Trenches 22 and 23 shall be carried out in accordance with the conditions of this approval, the PCB regulations at 40 CFR Part 761, Subpart D and CWM's most recently approved Landfill Operations Plan.
- (b) CWM shall notify the PCB Program Coordinator of any proposed changes to landfill design, construction or operation to be made pursuant to its AHWMMA Hazardous Waste Permit modification provisions. In general, such changes approved as permit modifications under the AHWMMA permit will not require a separate approval decision under TSCA. However, the EPA reserves its right under TSCA to evaluate each proposed change individually as it may pertain to disposal of PCBs.
- (c) Ignitable wastes shall not be disposed of in Trenches 22 or 23. Liquid ignitable wastes are wastes with a flashpoint less than 60 degrees C (140 degrees F) as determined by the following method or an equivalent method: Flash point of liquids shall be determined by a Pensky-Martens Closed Cup Tester, using the protocol specified in ASTM Standard D 93-90, or the Setaflash Closed Tester using the protocol specified in ASTM Standard D-3278-89.
- (d) No waste or incompatible waste mixture shall be placed or produced in Trenches 22 or 23 which is known to possess the chemical or physical-chemical ability to penetrate or otherwise damage the compacted chalk and synthetic membrane liners.
- (e) PCB liquids or PCB waste containing free liquids shall not be landfilled. Liquids from incidental sources such as precipitation, condensation, leachate or load separation associated with PCB Articles or non-liquid PCBs may be landfilled provided that the requirements of 40 CFR § 761.60(a)(3) are met.

- (f) To demonstrate the absence or presence of free liquids in either a containerized or bulk waste, the following test method shall be used: Method 9095 (Paint Filter Liquids Test) as described in "Test Methods for Evaluating Solid Waste, Physical/Chemical Methods," EPA Publication SW-846.
- (g) All leachate destined for off-site or on-site disposal are PCB remediation waste subject to PCB disposal requirements unless the leachate meets the PCBs treatment standard for RCRA F039 waste and is disposed of in accordance with RCRA requirements. Alternatively, the leachate may be decontaminated and disposed of in accordance with the requirements of 40 CFR §§ 761.79(b)(1)(ii) or (iii).

### 3. Inspection Schedules

- (a) CWM shall inspect all landfills in accordance with the conditions set forth in VII.E of CWM's October 21, 2016, AHWMMMA Hazardous Waste Permit.

### 4. Landfill Closure and Post-Closure Care

- (a) CWM shall conduct landfill closure and post-closure care activities in accordance with Condition VII.N of CWM's October 21, 2016, AHWMMMA Hazardous Waste Permit.

## F. **Monitoring Requirements**

### 1. Groundwater and Surface Water Monitoring

- (a) CWM shall establish, maintain, and operate a shallow (Selma Chalk) groundwater monitoring system for Trenches 22 and 23. Monitoring well location, installation and construction shall conform to Condition XI.B.1 of CWM's October 21, 2016, AHWMMMA Hazardous Waste Permit.
- (b) Each shallow well identified in Condition XI.B shall be sampled as specified in Conditions XI.B.5 and XI.F of CWM's October 21, 2016, AHWMMMA Hazardous Waste Permit. Additionally, groundwater samples from these wells shall be analyzed for PCBs and the chlorinated organics listed in Attachment 1 at least once every six months.
- (c) Releases of hazardous constituents (including PCBs) from Trenches 1 - 21 are subject to monitoring and corrective action requirements of 40 CFR Part 264, Subpart F and ADEM Administrative Code R.335-14-06. Therefore, under this TSCA approval CWM is no longer required to routinely monitor Selma Chalk wells around Trenches 1 - 21 for PCBs. However, should PCBs be detected in any shallow (Selma Chalk) or deep (Eutaw) well during a groundwater quality assessment, CWM shall begin semi-annual PCB monitoring in the affected well(s).
- (d) All basins that receive and store stormwater run-off from watersheds containing the PCB Disposal Trenches 22 and 23 shall be sampled at basin outfalls, once a month during discharge periods, if the PCB Disposal Trench located upstream of the discharging

basin(s) is active. These monthly samples shall be analyzed for PCBs and the chlorinated organics listed in Attachment 1.

- (e) Groundwater and surface water samples shall be analyzed for PCBs and volatile chlorinated organics by approved the EPA test procedures listed in "Test Methods for Evaluating Solid Waste, Physical/Chemical Methods," EPA Publication SW-846. The laboratory shall use gas chromatography for chemical analysis of PCBs.

## 2. Leachate Monitoring

- (a) Leachate samples from individual disposal cells in Trenches 22 and 23 shall be collected and tested semi-annually, during operation through termination of waste disposal operations and RCRA closure certification, and annually thereafter.
- (b) Leachate samples shall be analyzed for PCBs and volatile chlorinated organics by approved EPA test procedures listed in "Test Methods for Evaluating Solid Waste, Physical/Chemical Methods," EPA Publication SW-846. CWM shall use gas chromatography for chemical analysis of PCBs.

## 3. Monitoring Reports

- (a) CWM shall provide reports on monitoring results and leachate characterization to the EPA as specified below:
  - i. Detection of PCBs during any of the monitoring activities described under Condition F.1 of this approval, shall be reported to the PCB Program Coordinator within thirty (30) days of CWM's receipt of the confirmatory analytical data. For PCB analysis, a detected concentration at or above 0.5 micrograms/liter in the water sample will serve as the threshold level at which reporting procedures will be initiated. Confirmatory analytical data is the second round of analytical results which indicates the presence of PCBs above the threshold level for the same well;
  - ii. CWM shall submit a report containing a summary of the monitoring data collected under Conditions F.1(b) – F.1(e), during the previous calendar year to the PCB Program Coordinator. This report is due by July 15 of each year; and
  - iii. a summary report of the leachate characterization performed pursuant to Conditions F.2, during the previous calendar year, shall be submitted yearly to the PCB Program Coordinator by July 15 of each year.
- (b) All monitoring and analytical data collected pursuant to Condition F.1 and all leachate monitoring data collected pursuant to Condition F.2 shall be recorded and maintained in accordance with 40 CFR § 761.180.

## **G. Security and Prevention**

1. The Emelle Facility must be secured to restrict public access to PCB waste stored on the premises. The waste management areas shall remain fenced with at least a six-foot high chain-link fence. The fence shall be kept in good repair. All entrances to the Emelle Facility shall be closed and locked when security personnel are not present.
2. CWM shall maintain and operate the Emelle Facility to prevent fire and explosion.

## **H. Health and Safety/Worker Protection**

1. CWM workers with access to PCB storage areas shall wear or use protective clothing or equipment at the Emelle Facility to protect against dermal contact with or inhalation of PCBs or material containing PCBs.
2. CWM shall comply with all applicable health and safety standards, as required by federal, state and local regulations and ordinances.
3. CWM shall comply with the safety provisions of the CWM Application.
4. All employees hired subsequent to the date of this Approval must be trained, as specified in CWM's personnel training program and training frequency included in the Application. In addition, CWM 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 CFR Part 761.
5. If not already included in CWM's training plan, CWM shall update the training plan it uses to train workers with access to PCB storage areas so that the training plan includes applicable requirements in the PCB Regulations, with emphasis on the requirements of the "Spill Cleanup Policy", 40 CFR Part 761, Subpart G, the conditions of this Approval and the SPCC Plan within 30 days of the effective date of this Approval.
6. CWM shall make its updated training plan available to the PCB Program Coordinator upon request. The EPA shall have the right to review the updated CWM training plan and require CWM to correct any deficiencies in a prompt manner. If updates to the training plan are required, CWM shall retrain all existing workers that have, or will have, access to PCB storage areas in accordance with the updated CWM training plan within 60 days of the effective date of this Approval.
7. All new workers must complete training in accordance with the CWM training plan within 30 days and prior to entering PCB storage areas. In addition to initial training, all workers with access to PCB storage areas must complete annual refresher training in accordance with the current CWM training manual.



8. Except as provided in Condition H.9, the PCB concentration of non-porous surface areas located outside of PCB storage areas shall not exceed 10 µg/100 cm<sup>2</sup> 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 µg/100 cm<sup>2</sup> for non-porous surfaces and 1 ppm for porous surfaces.
10. Any person entering and leaving the PCB storage areas 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 µg /100 cm<sup>2</sup> and all porous surface located in the clean-in/clean-out station shall not exceed 1 ppm.
12. Except in the area of the PCB landfills, in the event the concentration of PCBs exceeds the levels set forth in Conditions H.8, H.9, H.11, CWM shall immediately begin decontamination of the affected area in accordance with applicable requirements of the PCB Regulations and this Approval. CWM shall not encapsulate any PCB-containing areas regardless of PCB concentration levels without specific prior written approval from the EPA.
13. CWM must report incidences of injury or illness from exposure to PCBs to the PCB Program Coordinator within 24 hours of becoming aware of such injury or illness.

#### **I. PCB Spills and Releases**

1. CWM has prepared and submitted a SPCC Plan within its July 1, TSCA Approval Renewal Application. CWM 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. PCB spills shall be cleaned up in accordance with the requirements of the PCB Spill Cleanup Policy at 40 CFR Part 761, Subpart G or the PCB regulations, as applicable.
3. CWM shall comply with applicable PCB spill reporting requirements under 40 CFR § 761.125, sections 311(b)(4) and 307(a) of the Clean Water Act and section 112 of the Comprehensive Environmental Response Compensation and Liability Act. Notification to the EPA Regional Office of any PCB spill or release as required under 40 CFR § 761.125 shall be made to the PCB Program Coordinator. A written report of the reportable spill incident under 40 CFR § 761.125 must be submitted as a hard copy and via email to the PCB Program Coordinator within five business days following the incident.

4. Any wastes generated as a result 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 CFR § 761.61.
5. CWM shall immediately notify the PCB Program Coordinator if, as a result of any unauthorized entry or operation at the Emelle Facility, PCBs were released. The notification shall include a description of the unauthorized entry or operation, the resulting release of PCBs, and any corrective action taken by CWM.
6. 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, CWM shall use a standard wipe test as defined in 40 C.F.R. § 761.123.

**J. Emergency Provisions**

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

5. Whenever PCBs are being poured, mixed, or otherwise handled, CWM 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.
6. At all times, there shall be at least one worker present at the CWM Emelle Facility or on call with the responsibility for coordinating all emergency response measures. This worker shall have immediate access to the entire Emelle 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 CWM Application, or the PCB Regulations, or that are otherwise appropriate.
7. Within 30 calendar days from the initial issuance of this Approval, CWM shall provide, if not already completed, a written description of storage activities, stored materials, and emergency procedures, as described in the CWM 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.
8. CWM shall review and promptly modify, if necessary, the SPCC Plan if the following occurs:
  - (a) such plan fails in an emergency;
  - (b) CWM changes the Emelle Facility's design, construction, operation, maintenance or emergency response policies;
  - (c) a circumstance arises that materially increases the potential for fires, explosions or releases of PCBs or hazardous constituents;
  - (d) the list of emergency coordinators changes;
  - (e) the list of emergency equipment changes;
  - (f) a revision is warranted to prevent an unreasonable risk of injury to health and the environment; or
  - (g) the EPA determines that a revision to such plan is necessary.
9. CWM 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.

## **K. Recordkeeping and Reporting**

1. CWM shall comply with all applicable recordkeeping and reporting requirements of the PCB Regulations, including but not limited to, annual records, annual document logs and annual reports as required by 40 CFR § 761.180.
2. CWM shall maintain daily records of storage inventories which are sufficient to determine compliance with the MSC and related requirements for PCBs and PCB Items specified in Condition C.1.
3. CWM must maintain records demonstrating compliance with the requirements of 40 CFR §§ 761.180(a) and (b) and this Approval per the following:
  - (a) The documentation of PCB content, sampling and analytical testing requirements of Condition C.5(e);
  - (b) the inspection requirements of Condition C.6, which shall be in the form of inspection records;
  - (c) the cleanup and disposal requirements of Conditions C.4(c), I.2, and I.4;
  - (d) the repair requirements of Condition C.6(d);
  - (e) the worker training requirements of Conditions C.5(d) and H.4, 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 CWM training plan on the date specified;
  - (f) the detection of exceedance(s) and decontamination requirements under Conditions H.8, H.9, and H.11;
  - (g) the spill requirements of Conditions I.1 and I.2;
  - (h) the reporting requirement of Condition I.3, which shall include the items, and certification, if applicable, required under 40 CFR § 761.125;
  - (i) the disposal requirement of Condition I.4;
  - (j) the equipment maintenance and testing requirements of Condition J.4; and
  - (k) the emergency responder notification requirements of Condition J.7.
4. CWM shall comply with the following manifest requirement provisions of 40 CFR Part 761, Subpart K, as applicable:
  - (a) 761.207 – Manifest – General requirements;

- (b) 761.210 – Use of the manifest – Generator requirements;
  - (c) 761.213 – Use of the manifest – Commercial storage and disposal facility requirements;
  - (d) 761.214 – Retention of manifest records;
  - (e) 761.215 – Manifest discrepancies;
  - (f) 765.216 – Unmanifested waste report;
  - (g) 761.217 – Exception reports; and
  - (h) 761.219 – One-year exception reporting.
5. CWM 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 CWM Emelle Facility. CWM shall provide copies of certificates of disposal to the generator of PCBs and PCB Items that were stored at the CWM Emelle Facility within 30 calendar days of receipt by CWM of documentation of final disposal of such PCBs and PCB Items.
6. 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.

7. All records required to be maintained either by the PCB Regulations or this Approval shall be legible and available in an electronic format. Any modification or correction of the records must be initialed and dated by a CWM worker authorized to make such change. Electronic records shall be backed up daily.
8. All records required to be maintained either by the PCB Regulations or this Approval shall be made available for inspection by the EPA-authorized representatives. When CWM ceases operations, any records not already provided to the EPA shall be made available to the EPA for a period of at least five years following cessation of operations. If CWM is unable to comply with this condition because it is no longer in control of the Emelle Facility, it shall comply by making such records available at an alternative location proposed by CWM and approved by the EPA in writing.
9. All reports, notifications and other information requested to be provided to the EPA shall be signed by a CWM officer or the CWM Environmental and Safety Manager and certified in accordance with 761.3.
10. Unless otherwise specified herein, reports, notification, mail or other submittals required to be submitted to the EPA under this Approval shall be sent electronically via email to the PCB Program Coordinator as specified on the EPA's Region 4 PCB Program webpage, located at <https://www.epa.gov/pcbs/epa-region-4-polychlorinated-biphenyls-pcbs>.
11. CWM shall make the closure plan, post-closure plan, closure estimates, post-closure cost estimates and financial assurance document(s) available to the EPA inspectors for review, upon request.
12. 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.

#### **L. Closure**

1. The closure plan and post-closure plan, Section I of CWM's December 2018 RCRA Part B permit application, Revision 4.5, is the approved closure plan and post-closure plan for the Emelle Facility. CWM shall close the Emelle Facility in accordance with the approved closure plan and post-closure plan at the end of the operating life of the Emelle Facility or when directed by the EPA upon revocation of this Approval in accordance with Approval Condition A.3.
2. CWM shall submit a written request to modify the approved closure plan and post-closure plan whenever any of the conditions listed in 40 CFR § 761.65(e)(4) arise.
3. CWM shall notify the EPA in writing at least 60 days prior to the date on which final closure of the Emelle Facility is expected to begin or partial closure of the Emelle Facility involving one or more PCB storage or processing units is expected to begin.

4. After CWM has received the final volume of PCB waste or hazardous waste (whichever is later), CWM shall complete closure activities in accordance with the schedule specified in the approved closure plan.
5. During final or partial closure, all PCB contaminated equipment, structures, and soil shall be disposed or decontaminated in accordance with the approved closure plan and the disposal requirements of 40 CFR 761 Subpart D, or the decontamination requirements of 40 CFR § 761.79.
6. Within 60 days of completion of closure of the Emelle Facility or in the case of partial closure, within 60 days of completion of closure of each individual PCB storage or processing unit, CWM shall submit a written certification that the Emelle Facility (or PCB storage or processing unit) has been closed in accordance with the approved closure plan. The certification shall be signed by the owner or operator and an independent registered professional engineer.
7. CWM shall notify the Regional Administrator or his or her Delegate in writing at least 60 days prior to the date it expects to begin closure. The date CWM “expects to begin closure” shall be no later than 30 days after the date on which CWM receives its final quantities of PCB waste for storage, processing, and/or disposal.
8. Upon termination of the operation, CWM shall proceed according to the provisions of the closure plan and post-closure plan. 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.
9. Upon termination of the operation, CWM shall proceed according to the provisions of the closure plan and post-closure plan. 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.
10. During the closure period, all contaminated system component equipment, structures, and soils shall be disposed of in accordance with the disposal requirements of 40 CFR Part 761, Subpart D, or, if applicable, decontaminated in accordance with the levels specified in the PCB Spill Cleanup Policy, 40 CFR Part 761, Subpart G.
11. If PCB waste is removed from the Emelle Facility during closure, CWM will become a generator of PCB waste subject to the generator requirements of 40 CFR Part 761, Subpart J.
12. Within 60 days of completion of closure of the CWM Emelle Facility, CWM shall submit to the EPA Regional Administrator or Delegate a certification that the Emelle Facility has been closed in accordance with the approved closure plan and post-closure plan. The certification shall be signed by CWM and by an independent registered Professional Engineer.

13. CWM shall submit to the PCB Program Coordinator a revised closure plan and post-closure plan reflecting current conditions at the Emelle Facility at least 180 days prior to the anticipated beginning of closure activities. The revised closure plan and post-closure plan must be approved in writing by the EPA prior to implementation.
14. CWM may petition the PCB Program Coordinator for permission to forgo submittal of a revised closure plan and post-closure plan at least 180 days prior to the anticipated beginning of closure activities. In that petition, CWM shall demonstrate that there have been no significant changes to the conditions at the Emelle Facility that would warrant revisions to the closure plan and post-closure Plan. The requirement to submit a revised closure plan and post-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 CWM granting the petition.

#### **M. Post Closure**

1. CWM shall begin post-closure care for each landfill unit after completion of closure of the unit.
2. CWM shall continue to provide post-closure care for each closed landfill unit at the Emelle Facility that has received PCB waste under this Approval and earlier PCB disposal approvals issued by the EPA for the duration of the post-closure care period.
3. The post-closure care provided by CWM for closed PCB landfill units shall be in accordance with the provisions of the post-closure plan as described in Section I of CWM's December RCRA Part B permit application, Revision 4.5. At a minimum, CWM shall maintain final cover systems on all closed PCB landfill units, prevent disturbance to the buried waste and maintain a limited system of groundwater monitoring wells capable of detecting PCB releases from the closed landfill units.

#### **N. Financial Assurance**

1. CWM shall maintain financial assurance for the Emelle Facility closure and post-closure in accordance with 40 CFR § 761.65(g) and 40 CFR Part 264, Subpart H, to provide for funding in accordance with the approved closure plan and post-closure plan listed in Condition N.2 and compensating others for bodily injury and property damage caused by accidents arising from operations of the Emelle Facility. CWM shall make necessary adjustments whenever necessary to reflect changes to the closure and post-closure cost estimates.
2. The closure plan, closure cost estimate, post-closure plan and post-closure cost estimate submitted as part of the CWM application is deemed acceptable under 40 CFR § 761.65(e) and is incorporated by reference into this Approval. CWM shall comply with the approved closure plan, closure cost estimate, post-closure plan and post-closure cost estimate.
3. CWM has demonstrated financial assurance for closure and post-closure of the Emelle Facility as required by 40 CFR § 761.65(g). CWM may not modify its mechanism for financial assurance without prior written approval from the EPA. CWM shall submit proposed changes



to its financial assurance mechanism to the PCB Program Coordinator and shall not implement such modification until it receives written approval from the EPA.

4. CWM shall adjust the closure cost and post-closure cost estimates annually to reflect inflation as required by 40 CFR § 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 CWM's fiscal year). CWM shall submit a copy of the annually adjusted closure cost and post-closure cost estimates to the EPA no later than the annual anniversary of the effective date of this Approval. If the annual adjustment to the closure cost and post-closure cost estimates change the required amount such that it exceeds the face value of the existing financial assurance mechanism, CWM shall make a corresponding increase to its financial assurance mechanism. In the event modification to the financial assurance mechanism amount is required, CWM shall submit documentation of adequate financial assurance to the Region 4 LCR Division Director.
5. CWM shall modify the closure plan, post-closure plan, closure cost and post-closure cost estimates whenever any changes in ownership, operating plans, maximum storage capacity or the Emelle Facility design affect the closure plan and post-closure plan; whenever there is a change in the expected year of closure; or whenever unexpected events during closure require modification. If CWM becomes aware of information indicating that the estimated costs associated with performing closure of the Emelle Facility may exceed the current closure cost and post-closure cost estimates approved by the EPA, CWM shall modify the closure plan, post-closure plan and/or closure cost and post-closure cost estimates, as appropriate. CWM shall submit proposed modifications to its closure plan, post-closure plan and/or closure cost and post-closure cost estimates to the EPA in the form of a modified application and shall not implement such modifications until it receives written approval from the EPA. CWM shall base modifications to closure cost and post-closure cost estimates on maximum cost conditions, as specified in 40 CFR § 761.65(f)(i) - (iv) and shall submit them to the EPA with a certification, as defined in 40 CFR § 761.3.
6. When an EPA-approved modification to the Emelle Facility's closure plan and/or post closure Plan increases the closure cost and/or post-closure cost estimate(s), or when the EPA approves a modification which increases the Emelle Facility's closure cost and/or post-closure cost estimate(s), CWM 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 Emelle Facility increases the maximum storage capacity in Condition C.1.a., CWM shall notify the PCB Program Coordinator via email 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 Emelle Facility.

**O. Approval Acceptance Certification**

This Approval shall be revoked if CWM does not provide the EPA the completed and signed Certification that is included within this Approval (the last page) within ten business days of receipt of this Approval. The completed, signed Certification shall be submitted electronically via email to the PCB Program Coordinator at [crosby-vega.terri@epa.gov](mailto:crosby-vega.terri@epa.gov).

**DECISION TO APPROVE**  
**CHEMICAL WASTE MANAGEMENT, INC., APPLICATION TO**  
**COMMERCIALLY STORE, PROCESS AND DISPOSE OF PCB WASTE**

As described more fully in Chemical Waste Management’s (CWM’s) July 1, 2020 revised Toxic Substances Control Act (TSCA) Approval Renewal Application and the TSCA referenced portions of the December 2018 Resource Conservation and Recovery Act (RCRA) Part B permit application, for this Approval, the United States Environmental Protection Agency (EPA) has determined that the criteria for approval to engage in the commercial storage, processing, and disposal of Polychlorinated Biphenyls (PCB) waste set forth in 40 CFR §§ 761.65 and 761.75 have been met. Specifically, the Application demonstrates that CWM’s Emelle Facility, storage capacity, employee qualifications, closure plan, post-closure plan and financial assurance for closure satisfy applicable requirements and that operation of the storage, processing, and disposal at the Emelle Facility, when conducted in accordance with the conditions of this Approval and all applicable provisions of the PCB regulations, RCRA Permit and all other applicable federal and state requirements, will not pose an unreasonable risk of injury to health or the environment. The EPA approves the CWM Application to commercially store, process and dispose of PCBs and PCB Items at the CWM Emelle Facility.

This Approval shall become effective the date the Land, Chemical and Redevelopment Division Director, acting on CWM's Application, signs it and shall expire 10 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 CWM from compliance with all applicable federal, state and local regulatory requirements, including the federal PCB regulations at 40 C.F.R. Part 761.

09/18/20

Date

Digitally signed by  
CESAR ZAPATA  
Date: 2020.09.18  
13:03:45 -04'00'

Cesar A. Zapata  
Acting Director  
Land, Chemicals and Redevelopment Division

**CERTIFICATION FORM**

I, Michael J. Davis, Senior District Mgr. certify that I  
Print Name of an Authorized Representative Title  
of Chemical Waste Management, Inc.

have received and reviewed the Approval to Commercially Store, Process and Dispose of  
Polychlorinated Biphenyls, 2020 renewal, at the Chemical Waste Management Facility in Emelle,  
Alabama, on this 21 day of September, and year of 2020, and hereby agree to abide by  
all conditions of the Approval and all applicable requirements of the PCB Regulations, 40 CFR Part 761.

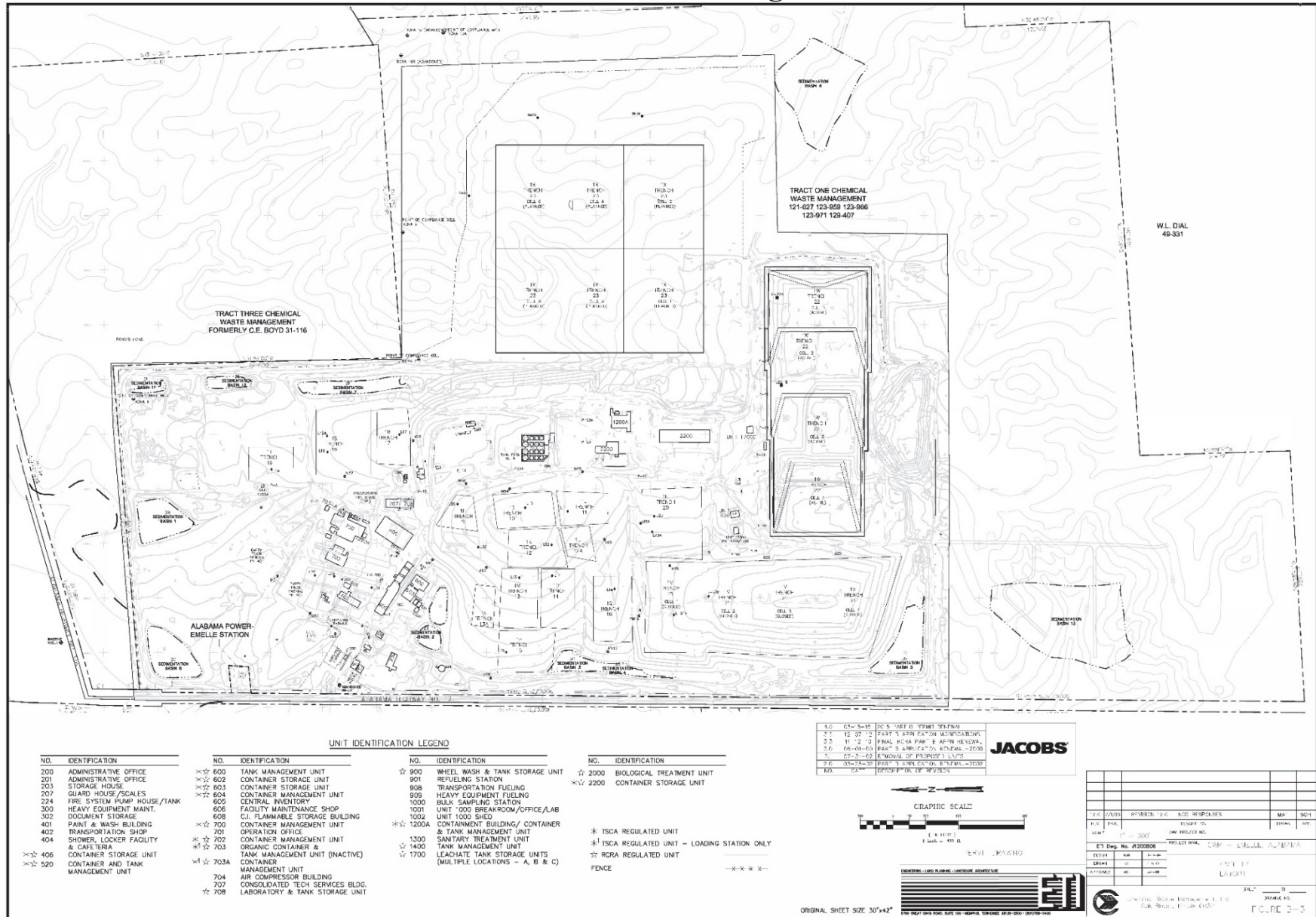
  
Signature

9-21-2020  
Date

## Attachment 1: Chlorinated Organic Monitoring Parameters

Bis(Chloromethyl)ether  
Carbon Tetrachloride  
Chlorobenzene  
Chlorodibromomethane  
Chloroethane  
2-Chloroethylvinyl ether  
Chloroform  
Dichlorobromomethane  
Dichlorodifluoromethane  
1, 1-Dichloroethane  
1,2-Dichloroethane  
1, 1-Dichloroethylene  
1,2-Dichloropropane  
cis-1,3-Dichloropropylene  
Methyl chloride  
Methylene chloride  
1, 1,2,2-Tetrachloroethane  
Tetrachloroethylene  
1,2-trans-Dichloroethylene  
1, 1, I-Trichloroethane  
1, 1,2-Trichloroethane  
Trichloroethylene  
Trichlorofluoromethane  
Vinyl chloride  
trans-1,3-Dichloropropylene

## Attachment 2: Site Diagram



### Attachment 3: PCB Areas

