



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION III
Four Penn Center
1600 John F. Kennedy Boulevard
Philadelphia, Pennsylvania 19103-2852

SUBJECT: Technical Support Document August 26, 2022
PCB Commercial Storage Approval Renewal
Application for Environmental Protection
Services in Wheeling, WV

FROM: Kelly L. Bunker (3LD10)
PCB Coordinator/Environmental Scientist
RCRA Corrective Action Branch 1

TO: File

Background: Environmental Protection Services, Incorporated (EPS) owns and operates a Facility located in the Wheeling Industrial Park at 4 Industrial Park Drive in Wheeling, West Virginia, which commercially stores regulated PCB-containing waste in quantities greater than 500 gallons. EPS also operates a scrap metal recovery oven and a mobile dechlorination process at this location. The scrap metal recovery oven disposes residual PCBs associated with PCB-contaminated articles regulated for disposal under 40 C.F.R. § 761.60(b) and is subject to the applicable provisions of 40 C.F.R. § 761.72. The mobile dechlorination process, known as PCBX™, chemically destroys liquid PCBs and operates under the authority of a 40 C.F.R. § 761.60(e) disposal approval issued on September 14, 2017 and which expires on September 14, 2022. EPS is the sole operator of the process known as PCBX™. EPS operates two mobile PCBX™ units at this location.

EPA Region III last renewed EPS's PCB Commercial Storage Approval (Approval) on August 7, 2012 which was to expire in ten years. On February 3, 2022, EPS submitted a renewal Approval application (Application) and revised the application on May 24, 2022 and August 26, 2022 (Attachment 1). The Application contained the same maximum storage capacities as were in the existing Approval and the supporting documentation was the same as what was provided for the existing Approval. On June 28, 2022, EPA Region III conducted a PCB inspection of the facility and determined that EPS was in compliance with the existing Approval. On July 12, 2022 EPA Region III issued an extension of the August 7, 2012 Approval until such time as EPA Region III could complete the Approval process which included finalizing the inspection report and the Approval Renewal and holding a public comment period for the renewal of the Approval (Attachment 2).

Applicable Regulations: The Approval was developed in accordance with the applicable requirements of the PCB Regulation found at 40 C.F.R. Part 761. The specific regulations applicable to the storage for disposal of PCBs at concentrations of 50 ppm or greater and PCB Items with PCB concentrations of 50 ppm or greater are found in § 761.65 "Storage for disposal." Such rules require, among other things, that commercial storers of PCB waste, storing regulated PCB containing material in quantities greater than 500 gallons, obtain a written approval issued by the Regional Administrator for the region in which the storage facility is located. On March 16, 2009, the authority of the Regional Administrator was delegated to the Director of the Land, Chemicals and Redevelopment Division, EPA Region III.

Review: After a completeness and technical adequacy review of the Application, EPA has determined

that the applicable regulatory criteria, identified at 40 C.F.R. §761.65(d)(2)(i) through (d)(2)(vii), have been satisfied. Each of the seven criteria found at §761.65(d)(2)(i) through (d)(2)(vii) are stated below with a description of how EPS' Application complies with the criteria:

(i) The applicant, its principals, and its key employees responsible for the establishment or operation of the commercial storage facility are qualified to engage in the business of commercial storage of PCB waste.

EPS has provided adequate information in Sections 1, 2 and 3 of their Application to address the requirements of §761.65(d)(2)(i) and the corresponding requirements in §761.65(d)(3)(i)-(v) .

(ii) The facility possesses the capacity to handle the quantity of PCB waste which the owner or operator of the facility has estimated will be the maximum quantity of PCB waste that will be handled at any one time at the facility.

EPS has provided adequate information in Sections 5, 6, 12 and 13 of their Application to address the requirements of §761.65(d)(2)(ii). Section 6 lists the maximum storage capacity requested for each of the storage areas. EPS has requested storage of PCB waste in each storage area on a weight basis (i.e., pounds). EPS's Application maintains the maximum storage capacity approved in the August 7, 2012 Approval. Sections 12 and 13 provide the calculations for each storage area and demonstrate that EPS has sufficient space to store the waste. The calculations demonstrate adequate containment volume as required under § 761.65(b)(1)(ii). These calculations are the basis for providing the footprint limitations found in Section B.2 of the Approval.

(iii) The owner or operator of the unit has certified compliance with the storage facility standards in paragraphs (b) and (c)(7) of this section.

EPS has provided adequate information in Sections 4, 5, 9 and 12 of their Application to address the requirements of §761.65(d)(2)(iii). Section 4 contains the certification of compliance, signed by Bradley Joseph, the new President and Chief Operating Officer of EPS. Sections 4, 5, 12 and 13 contain the information affirming that the facility meets the requirements of 40 C.F.R. § 761.65(b). Section 9 contains information affirming that the facility meets the requirements of 40 C.F.R. § 761.65(c)(7).

(iv) The owner or operator has developed a written closure plan for the facility that is deemed acceptable by the Regional Administrator under the closure plan standards of paragraph (e) of this section.

EPS has provided adequate information in Sections 6 and 7 of their Application to address the requirements of §761.65(d)(2)(iv) and (e). Section 6 is the written closure plan for the facility. EPS's closure cost estimate is based upon a third-party closure with off-site disposal of all wastes. Section 7 is the closure cost estimate for the facility and includes the estimates for third party services to close the facility and dispose of all waste. The disposal and service estimates were obtained in calendar year 2021 and are acceptable since the closure cost estimate will be updated each year. The closure cost estimate is \$974,527.42.

(v) The owner or operator has included in the application for final approval a demonstration of financial responsibility for closure that meets the financial responsibility standards of paragraph (g) of this section.

EPS has provided adequate information in Section 8 of their Application to address the requirements of §761.65(d)(2)(v) and (g). EPS will continue to use the existing Trust Fund Agreement for financial assurance. This Trust Fund Agreement is held with WesBanco in Wheeling, WV. Section 8 includes a copy of the Trust Fund Agreement and a WesBanco document demonstrating that \$1,146,164.25 are held in the trust fund as of March 30, 2022. This amount is acceptable since it exceeds the cost closure estimate amount \$974,527.42.

(vi) The operation of the storage facility will not pose an unreasonable risk of injury to health or the environment.

Based upon the information contained in the Application and the facts provided in the June 28, 2022 PCB inspection report, I find that the operation of the EPS PCB storage facility will not pose an unreasonable risk of injury to health or the environment.

(vii) The environmental compliance history of the applicant, its principals, and its key employees may be deemed to constitute a sufficient basis for denial of approval whenever in the judgment of the Regional Administrator (or Director, National Programs Chemical Division) that history of environmental civil violations or criminal convictions evidences a pattern or practice of noncompliance that demonstrates the applicant's unwillingness or inability to achieve and maintain compliance with the regulations.

A PCB inspection of the facility was conducted on June 28, 2022 to determine compliance with the August 7, 2012 Approval. The inspection report was finalized on August 11, 2022 (Attachment 3). No violations were identified during the inspection. I find no evidence that demonstrates that the applicant is unwilling or unable to achieve and maintain compliance with the regulations.

Recommendation: Based upon the information provided in the EPS Renewal Application, I recommend that the Director of the Land, Chemicals and Redevelopment Division sign the attached Approval (Attachment 4).

Attachments:

Attachment 1 – EPS 2/3/2022 PCB Commercial Storage Approval Renewal Application as revised on 8/26/2022

Attachment 2 - 7/12/2022 letter extending current EPS Storage Approval past expiration date

Attachment 3 – EPS PCB Inspection Report

Attachment 4 – EPS Approval to Commercially Store PCB Waste (for signature)