

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 1

5 Post Office Square, Suite 100

Boston, Massachusetts 02109-3912

In The Matter Of:)
)
 Veolia ES Technical Solutions, L.L.C.)
 90 Pleasant Street) Approval to Commercially
 West Bridgewater, Massachusetts 02379) Store Polychlorinated Biphenyls Waste
 EPA ID # MAC300017498)

AUTHORITY

This Approval to commercially store Polychlorinated Biphenyls (“PCB”) waste is issued pursuant to Section 6(e)(1) of the Toxic Substances Control Act (“TSCA”), 15 U.S.C. § 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

Veolia ES Technical Solutions, L.L.C., 53 State Street, 15th floor, Boston, MA 02109 (“Owner” or “Veolia”) owns and operates a facility located at 90 Pleasant Street in West Bridgewater, MA, where it functions as a “Commercial storer of PCB waste” (as defined in 40 CFR § 761.3) engaged in storage activities requiring Environmental Protection Agency (“EPA”) approval.

On November 8, 2012, Veolia submitted an initial application (“Application”) to commercially store PCB waste and perform an alternative decontamination and sampling of PCB fluorescent light ballasts, at Veolia’s former location at 230 Canton St., Stoughton, MA. This was followed by a revised Application dated February 22, 2013, when the Owner moved the facility to 90 Pleasant Street in West Bridgewater, MA. EPA approved the revised Application on April 17, 2013.

On November 29, 2022, Veolia submitted an application to renew its PCB waste commercial storage approval (“Renewal Application”)¹. The Renewal Application is the subject document reviewed for the issuance of this Approval.

APPLICABLE REGULATIONS

This Approval incorporates, and is issued in accordance with, applicable requirements of the PCB Regulations at 40 CFR Part 761. The rules 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 codified at 40 CFR § 761.65, “Storage for disposal.” The PCB Regulations require, among other things, that commercial storers of PCB waste (as defined in 40 CFR § 761.3), storing certain TSCA-regulated PCB-containing material, obtain a written approval issued by the Regional Administrator for the region in which the storage facility is located (40 CFR § 761.65(d)). The authority of the Regional Administrator was delegated to the Director of the Land, Chemicals and Redevelopment Division.

FINDINGS

Upon review of the Renewal Application, EPA has determined that the criteria for approval to engage in the commercial storage of PCB waste greater than or equal to (“≥”) 50 parts per million (“ppm”) PCB set forth in 40 CFR § 761.65(d) have been met. Specifically, the

¹ Veolia’s submittals to EPA and EPA’s responses include the following: November 29, 2022, Initial Application for Renewal; March 27, 2023, Email Transmittal EPA requesting inspection; November 8, 2024, Revised Final Inspection Report; April 17, 2023, EPA approved a 1-year extension of Veolia’s current permit; September 21, 2023, EPA inspection of Veolia facility; November 11, 2023 EPA receives final inspection report from September inspection; January 8, 2024, Email transmittal EPA requested updated financials; January 11, 2024, Veolia provided updated financial records; January 30, 2024 EPA provided comments to Veolia on permit renewal application; February 15, 2024, Veolia provided an updated Certificate of Liability Insurance; February 22, 2024, Veolia provided a response to EPA January 30, 2024 comments; February 27, 2024, Revised Figure IV; April 17, 2024, EPA granted an 1-year extension on the 2013 Veolia Operational Permit and 2023 1 year extension.

Renewal Application demonstrates that Veolia's storage facility, storage capacity, employee qualifications, closure plan, and financial assurance for closure satisfy applicable requirements and that operation of the storage facility, when conducted in accordance with the conditions of this Approval and all applicable provisions of the PCB regulations, will not pose an unreasonable risk of injury to health or the environment.

EFFECTIVE DATE

This Approval shall become effective upon signature and shall expire ten (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.

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, including the conditions within, and any subsequent EPA-approved written modifications thereto.

"CFR" means the Code of Federal Regulations.

"Day" means a calendar day, unless otherwise specified.

"Equipment" means site-specific equipment related to the decontamination process identified in Veolia's Renewal Application and closure plan for the Facility.

"EPA" means the United States Environmental Protection Agency, Region 1.

"Facility" and "Veolia Facility" mean all contiguous land and improvements on the land and all structures and other appurtenances of the PCB waste commercial storage facility owned and operated by Veolia located at 90 Pleasant Street, in West Bridgewater, MA.

"PCB Management Area" means any area of the property that PCBs travel through, or are transported over (e.g., PCB Storage Area, Sorting Area, facility floor space, indoor loading dock area, forklift transport area, and shipping and receiving area, shipping docking area).

“Major modification” means any change which will affect overall Facility performance or environmental impact, including but not limited to changes to the storage areas (within the existing Facility or movement of the Facility to a new location), 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 to typographical errors.

“Owner” or “Operator” means Veolia ES Technical Solutions, L.L.C.

“PCB Coordinator” means the PCB Coordinator Region 1, U.S. EPA Boston, MA. Email Address: R1PCBs@epa.gov

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

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

“Regional Administrator” means the Regional Administrator, Region 1, U.S. EPA, Boston, MA.

“Spill” has the same meaning as defined in 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.

“PCB storage area” means any storage area listed in Condition B.1(a).

CONDITIONS OF APPROVAL

A. General Conditions

1. Approval Compliance

(a) Veolia must operate the Facility in compliance with the conditions of this Approval and consistent with the information included in Renewal Application. Noncompliance with any provision of the Renewal Application and/or any condition of this Approval shall be deemed a violation of this Approval and may subject Veolia to civil or criminal enforcement action and associated penalties.

- (b) This Approval supersedes all previous Approvals for the commercial storage or decontamination of PCB waste or PCB items at the Facility issued by EPA to Veolia.
- (c) Veolia must comply and operate the Facility in accordance with Section 6I of TSCA, 15 U.S.C § 2605I, and the PCB Regulations, including the requirements of the “PCB Spill Cleanup Policy” codified at 40 CFR Part 761, Subpart G, and any other applicable rules and regulations.
- (d) This Approval is based on the facts, representations, and certifications made by Veolia in its Renewal Application. If the conditions of this Approval are inconsistent with the provisions of, or information contained in the Renewal Application or supporting documentation, Veolia must comply with the conditions of this Approval.
- (e) Veolia is liable 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 shall 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 and EPA may suspend, revoke, or terminate this Approval.
- (g) Compliance with this Approval does not relieve Veolia of the responsibility to comply with all other applicable federal, state, and local laws and regulations, including the PCB Regulations. Veolia should not rely solely on this Approval for all requirements related to PCBs or the storage of PCB waste.
- (h) This Approval does not constitute a determination by EPA that the transporters or disposal facilities selected by Veolia are authorized to conduct the activities set forth in the Renewal Application. Veolia is responsible for ensuring that its selected transporters and disposal facilities are authorized to conduct these activities in accordance with all applicable federal, state, and local statutes and regulations.
- (i) This Approval does not: 1) waive or compromise EPA’s enforcement and regulatory authority or; 2) release Veolia from liability for, or otherwise resolve any violations of TSCA or of other federal, state, or local law.

2. Duty to Report Noncompliance

- (a) If at any time Veolia becomes aware that it is operating the Facility in a manner that is not in compliance with this Approval or other applicable provisions of the PCB Regulations, Veolia shall notify the PCB Coordinator within 24 hours and shall submit a

written report to the PCB Coordinator describing the noncompliance within five (5) calendar days.

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

(a) EPA reserves the right to modify, suspend, revoke, or terminate this Approval:

- (i) If Veolia fails to operate the Facility in compliance with this Approval;
- (ii) If there is reason to believe that continued operation of the 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 EPA's request, Veolia shall provide information EPA deems necessary to determine whether cause exists for modification, suspension, revocation or termination of this Approval. Veolia shall provide such information within the time frame specified in EPA's request, or if no time frame is specified, within fifteen (15) calendar days of EPA's request unless impracticable;
- (iii) Upon discovering misrepresentation(s) or omission(s) of material fact(s) in the Renewal Application;
- (iv) For environmental civil violations committed by or criminal convictions of Veolia, its principals, or key employees.

(b) 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. EPA reserves any rights and remedies available to it under TSCA, the PCB Regulations, and any other Federal laws or regulations for which EPA has jurisdiction, to enforce the provisions of this Approval.

4. Application and Approval Modifications

(a) No less than 14 calendar days prior to proposed implementation of a Major or Minor Modification, Veolia must submit to EPA a written request for the Modification. Veolia must not implement any such Modification until it receives written EPA consent.

- (i) Requests for Minor Modification shall be submitted to the Region 1 PCB Coordinator and shall be implemented only after receipt of EPA's written consent.
- (ii) Requests for a Major Modification shall be submitted to the Director of the EPA Region 1 Land, Chemicals and Redevelopment Division with a copy to the Region 1

PCB Coordinator and shall be implemented only after receipt of EPA's written approval of such modification.

5. Approval Expiration/Renewal

(a) This Approval shall expire 10 years from the date of issuance of this Approval. 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 there has been no EPA actions or pending actions during the approved permitted period, and EPA has determined in writing that the application is complete and submitted within the time period specified in Condition A.5(b) and EPA has not otherwise taken action on the renewal application.

(b) To continue the commercial storage of PCBs and PCB Items granted by this Approval after the expiration date of this Approval, Veolia 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). A complete renewal application will include 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 Veolia submit additional information to support the renewal of this Approval. If Veolia submits this information to EPA at least 180 days prior to the expiration date of this Approval, and EPA has determined in writing that the application is complete, this Approval continues in force (i.e., does not expire) until EPA issues an approval renewal, a conditional approval renewal, or an approval request denial.

(c) If Veolia 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 Veolia's intent to close.

6. Entry and Inspection

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

(i) conduct interviews;

- (ii) inspect and/or collect copies of records and monitoring data;
- (iii) take sample(s); and
- (iv) inspect, observe and document Veolia's activities, equipment, work practices, operations and processes.

7. Change in Ownership or Operational Control

(a) Veolia shall notify the Director of the EPA Region 1 Land, Chemicals and Redevelopment Division in writing with a copy to the Region 1 PCB Coordinator at least ninety (90) days before it intends to transfer ownership or operational control of the Facility. This notification shall include the name, address, and telephone number of the intended transferee. Along with such notification, Veolia shall submit an application to modify the Veolia Application providing the information required in all applicable provisions of 40 CFR § 761.65(d)(3), along with a notarized affidavit signed by the intended transferee stating that it will abide by all conditions of the Approval and the Application, including the proposed modifications submitted in connection with the intended transfer of ownership or operation.

(b) After receiving Veolia's notification and application to modify the Application, 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 EPA may require under 40 CFR § 761.65(j)(2), EPA may either:

- (i) Modify the Approval to substitute the transferee's name for Veolia's and make other conforming minor modifications,
- (ii) Request additional information regarding Veolia's proposed change in ownership or operational control, or
- (iii) Require the intended transferee to submit a new application and/or apply for a new approval.

(c) The intended transferee shall not operate the Facility until the Director of the EPA Region 1 Land, Chemicals and Redevelopment Division issues an approval in the transferee's name.

(d) Veolia must maintain its financial assurance for closure for the Facility until the intended transferee has established financial assurance for closure of the Facility pursuant to 40 CFR § 761.65(g) and EPA issues an approval in the transferee's name.

(e) 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 Facility, there is a change in the Facility's operations and EPA finds that this Approval or the transferee's new approval will not prevent unreasonable risk of injury to health or the environment.

8. Transformers. If the PCB concentration of any transformer, or dielectric fluid within any transformer, received by Veolia is not known at the time of receipt, Veolia must treat the transformer as a PCB Transformer, (dielectric fluid is 500 parts per million (ppm) or greater PCBs) until testing proves otherwise.

9. Bankruptcy. Veolia must notify EPA within thirty (30) days of filing for bankruptcy so that EPA may ensure compliance with the requirements of this Approval, including the maintenance of adequate financial assurance, and ensure that ongoing Facility operations will not pose unreasonable risk of injury to health or the environment.

10. Climate Vulnerability

(a) Change in Flood Plain Designation. Veolia must submit a written notification to the PCB Coordinator immediately upon redesignation of the Facility within a 100-year flood plain.

(b) Climate Vulnerability Screening. Within one year from issuance of this Approval Veolia shall conduct at a minimum a climate vulnerability screening to identify any climate threats to which the Veolia Facility may be subject (e.g., severe storms, flooding, wildfires).

(i) Additionally, at EPA's request, Veolia shall conduct a climate vulnerability screening when submitting a Major Modification request or submitting a renewal application. The climate vulnerability screening shall assess the most conservative and the highest risk scenarios for at least the next 30 years.

(ii) Veolia shall use the climate adaptation mapping tool at <https://www.epa.gov/superfund/superfund-climate-resilience-vulnerability-assessment>. Within 30 days of completion of the screening Veolia shall provide EPA with a written report summarizing the screening results and make available to EPA underlying documentation supporting the screening results.

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 Management Area shall be maintained in compliance with 40 CFR § 761 and this Approval.

1. PCB Storage Areas

(a) Veolia's approved PCB Storage Area is encompassed within Veolia's current approved PCB Management Area and is described below and depicted in "Attachment A & B". This PCB Storage Area shall be maintained in compliance with 40 CFR § 761.65 and this Approval.

(i) "Current Commercial PCB Storage Area": 5,058 square foot (sf) area, 82.25 ft long by 61.56 feet wide, epoxy sealed concrete floor, epoxy sealed 6-inch-high concrete berm, joint between berm and floor is epoxy sealed concrete. Contains the PCB Sorting area.

(ii) "PCB Sorting Area": Located within the PCB Storage Area (See Attachment A). PCB Ballasts are separated from non-PCB Ballasts. Exterior wiring is removed from ballasts. Ballasts are segregated and labeled for appropriate outbound disposal facilities.

(b) Storage of PCBs or PCB Items and equipment in an area other than the approved storage areas described above shall be deemed a violation of this Approval.

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. Veolia's ability to store PCBs and PCB Items at the Facility is limited to the categories and quantities specified below for each PCB storage area. Veolia 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 EPA in writing on a case-by-case basis. See Attachments A and B

- (i) "Commercial PCB Storage Area": 144 55-gallon drums equivalents (7,920 gallons) in three rows of double stacked pallets (96 55-gallon drum equivalents) and three rows of single stacked pallets (48 55-gallon drum equivalents) (≥ 50 ppm PCB).
 - (ii) "PCB Sorting Area": Sixteen 55-gallon drum equivalents (880 gallons) in 2 rows of 2 single-stacked pallets (≥ 50 ppm PCB).
- (b) Veolia 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) Veolia'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) Veolia shall label all PCB Containers, PCB storage areas, and any PCB Item subject to marking requirements under 40 CFR § 761.40 with the ML label defined in 40 CFR § 761.45.
- (b) Veolia 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) Veolia shall dispose of all PCBs and PCB Items within one (1) year after they are taken out of service. If additional time is required for disposal, Veolia shall comply with the requirements of 40 CFR § 761.65(a)(2) through (4).

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 (2) drums high.
- (b) An aisle width of two (2) 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) Veolia 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 Veolia as required by this Approval. During inspections conducted by EPA authorized representative(s), Veolia shall move items as requested by the inspector(s) to allow the inspector(s) full access to the 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 E.4. and that are listed on the signature sheet described in Condition H.4(e), except that workers that are working for or on behalf of Veolia as of the effective date of this Approval that have been trained under previous versions of the Veolia training manual shall be allowed access to the PCB storage areas for up to sixty (60) days after the effective date of this Approval in order to complete the training described in Condition E.4.

(e) Veolia must document the PCB content of all incoming 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 Regulation.

(f) If any PCB Container, PCB Article, PCB Article Container, or PCB Equipment is leaking, Veolia 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 Regulation and Condition F.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 at a minimum of every thirty (30), or as is relevant to an operation. Veolia must maintain records of the inspections in accordance with §§761.180(a) and (b). Any spills discovered during these routine inspections shall be cleaned up expeditiously, as specified in Condition C.6(d) and reported if required by Condition F.3. Records of cleanup and disposal must be maintained in accordance with Condition H.4(c).

(b) At least once every 30 days, as required by §761.65(c)(5), Veolia shall conduct a thorough inspection of each PCB storage and shipping area at the 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) The PCB Containers, PCB Article Containers, PCB Equipment, and stationary storage containers (tanks), and ancillary equipment (valves, pipelines, etc.) shall be checked for leaks;
 - (iii) Shipping and receiving areas shall be inspected for cracks or deterioration; any deficiencies noted shall be repaired within 90 days of identification;
 - (iv) The condition of the floor, joints and curbing in the PCB storage area shall be checked; any deficiencies noted shall be repaired within 90 days of identification; and
 - (v) Spill response and emergency equipment as described in the SPCC Plan shall be checked and replaced or replenished as necessary.
- (c) Veolia shall conduct quarterly sampling of the PCB Storage Area and the areas outside the PCB Storage Area to monitor for the safety of its workers and the environment. A minimum of two wipe samples shall be collected within the PCB Storage Area. A total of 3 wipe samples shall also be collected from (1) the loading dock, (2) the warehouse area located adjacent to the PCB Storage Area and (3) the personnel decon/washroom.
- (i) If the PCB concentration in any wipe sample is greater than ($>$) $10 \mu\text{g}/100 \text{ cm}^2$, Veolia shall notify EPA (Recordkeeping and Reporting Requirements Condition H) and shall clean up the PCB contamination in accordance with EPA's PCB Spill Cleanup Policy.
 - (ii) Following cleanup, Veolia shall collect additional wipe samples to confirm that the PCB concentration is less than or equal to (\leq) $10 \mu\text{g}/100 \text{ cm}^2$. If Veolia is unable to achieve the cleanup criteria, Veolia shall immediately notify EPA for direction.
- (d) 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 F.4.
- (e) Any needed repairs, including those for leaks, cracks (e.g., asphalt, concrete, or curbing), deterioration, or malfunctioning vents, alarms or indicator levels detected during such inspections, shall be made within 90 days of identification.

D. Facility Operation, Limitation of Exposure and Control of Releases

1. Veolia shall maintain and operate the Facility to prevent fire, explosion, releases of PCBs to the environment, and exposure of workers of PCBs.
2. The Veolia Facility must be secured to restrict public access.
3. Disassembly of PCBs and PCB Items shall be conducted within the Facility.
4. Any cutting tool or other device used in processing PCBs and PCB Items must be operated in a manner to prevent heating of the material which may result in the vaporization of PCBs and the subsequent release of PCBs to the environment.
 - (a) Veolia shall not use a cutting torch or other thermal method to cut metal contaminated or coated with PCBs unless the unit being cut is first decontaminated to meet the standard in 40 CFR § 761.79(b)(3)(i); or
 - (b) Veolia shall conduct a demonstration test to prove to EPA's satisfaction that Veolia can effectively trap and remove particulate and volatilized PCBs emissions generated from the use of any cutting tool or other device (e.g., torch) used in processing metal surfaces contaminated or coated with PCBs. Any such testing or subsequent operational use of a cutting tool or other device on surfaces contaminated or coated with PCBs requires EPA's prior written approval.

E. Worker Protection

1. Veolia workers with access to PCB storage area shall wear or use protective clothing or equipment at the Facility to protect against dermal contact with or inhalation of PCBs or material containing PCBs.
2. Veolia shall comply with all applicable health and safety standards, as required by federal, state and local regulations and ordinances.
3. Veolia shall comply with the safety provisions of the Veolia Application.
4. All employees hired after the date of this Approval must be trained, as specified in Veolia's personnel training program and training schedule included in the Application. In addition, Veolia 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. Within thirty (30) days of the effective date of this Approval, or any modification to this Approval, Veolia shall update the manual it uses to train workers with access to PCB storage areas so that the training manual 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.
6. Veolia shall make its updated training manual available to EPA upon request. EPA shall have the right to review the updated Veolia training manual and require Veolia to correct any deficiencies in a prompt manner. Within sixty (60) days of the effective date of this Approval, or any modification to this Approval, Veolia shall retrain all existing workers that have, or will have, access to PCB storage areas in accordance with the updated Veolia training manual.
7. All new workers must complete training in accordance with the Veolia training manual 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 Veolia training manual.
8. Except as provided in Condition E.9 the PCB concentration of non-porous surface areas located outside of PCB storage areas shall not exceed $10 \mu\text{g}/100 \text{ cm}^2$ 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 $1 \mu\text{g}/100 \text{ cm}^2$ for non-porous surfaces and 1 ppm for porous surfaces.
10. Any person entering and leaving the PCB storage area 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 $10 \mu\text{g} /100 \text{ cm}^2$ and all porous surface located in the clean-in/clean-out station shall not exceed 1 ppm.
12. In the event the concentration of PCBs exceeds the levels set forth in conditions E.8, E.9, E.10, or E.11 Veolia shall immediately begin decontamination of the affected area in accordance with applicable requirements of the PCB Regulations and this Approval. Veolia shall not encapsulate any PCB-containing areas regardless of PCB concentration levels without specific prior written approval from EPA.
13. Veolia must report incidences of injury or illness from exposure to the PCB Coordinator within twenty-four (24) hours of becoming aware of such injury or exposure incidents.

F. PCB Spills and Releases

1. Veolia has prepared and submitted a SPCC Plan. Veolia 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. Spills of PCBs 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. Veolia shall comply with applicable PCB spill reporting requirements under 40 CFR § 761.125; the Clean Water Act; and the Comprehensive Environmental Response Compensation and Liability Act. Notification to the EPA Regional Office of any PCB spill or release is required under 40 CFR § 761.125(a)(1). A written report of the reportable spill incident under 40 CFR § 761.125 must be submitted to the PCB Coordinator within five (5) 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. Veolia shall immediately report to the PCB Coordinator if, as a result of any unauthorized entry or operation at the Facility, PCBs were released. To the extent known, such report shall include a description of the unauthorized entry or operation, the resulting release of PCBs, and any corrective action taken by Veolia. Examples of unauthorized entry or operation at the Facility to be reported to EPA include, but are not limited to, tampering, destruction, or loss at the Facility which caused the release of PCBs.

G. Emergency Provisions

1. Veolia shall follow the SPCC Plan whenever there is a fire, explosion, or release of PCBs or hazardous constituents.
2. Copies of the updated Veolia training manual, SPCC Plan, and this Approval shall be maintained and be made available to all workers at the Veolia Facility. Lists of emergency contacts, telephone numbers, and emergency exit routes shall be posted in prominent locations throughout the Facility.
3. The 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 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. Veolia 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 Veolia, Veolia shall establish and follow a testing and maintenance plan for those manufactured items.

5. Whenever PCBs are being poured, mixed, or otherwise handled, Veolia 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 (1) worker present at the Veolia Facility or on call with the responsibility for coordinating all emergency response measures. This worker shall have immediate access to the entire 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 Veolia Application, or the PCB Regulations, or that are otherwise appropriate.

7. Within thirty (30) calendar days from the initial issuance of this Approval, Veolia shall provide an updated written description of storage activities, stored materials, and emergency procedures, as described in the Veolia 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. Veolia shall review and promptly modify, if necessary, the SPCC Plan whenever:

(a) such plan fails in an emergency;

- (b) Veolia changes the 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) EPA determines that a revision to such plan is necessary.

H. Recordkeeping and Reporting

1. Veolia 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 § 761.180.
2. Veolia shall maintain daily records of storage inventories which are sufficient to determine compliance with the Maximum Storage Capacity (MSC) and related requirements for PCBs and PCB Items specified in Condition C.1.
3. Veolia shall maintain daily records of storage inventories which are sufficient to determine compliance with the MSC and related requirements for Non PCBs and Non PCB Items specified in Condition C.2.
4. Veolia must maintain records demonstrating compliance with the requirements of 40 CFR § 761.180(a) and (b) and this Approval:
 - (a) the documentation of PCB content, sampling and analytical testing requirements of Condition C.6(e);
 - (b) the inspection requirements of Condition C.6(b), which shall be in the form of inspection records;
 - (c) the cleanup and disposal requirements of Conditions C.6(a) and (c), F.2, and F.4;
 - (d) the repair requirements of Condition C.6(d) and (e);

- (e) the worker training requirements of Conditions E.4 and E.7 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 Veolia training manual on the date specified;
- (f) the detection of exceedance(s) and decontamination requirements under Conditions E.8, E.9, E.10, or E.11;
- (g) the spill requirements of Conditions F.1 and F.2;
- (h) the reporting requirement of Condition F.3, which shall include the items, and certification, if applicable, required under 40 CFR § 761.125;
- (i) the disposal requirement of Condition F.4;
- (j) the equipment maintenance and testing requirements of Condition G.4;
- (k) the emergency responder notification requirements of Condition G.7; and
- (l) Manifest requirements. Veolia shall comply with the following provisions of 40 CFR Part 761, Subpart K, and § 761.218 as applicable:
 - i. 761.207 – Manifest – General requirements;
 - ii. 761.210 – Use of the manifest – Generator requirements;
 - iii. 761.213 – Use of the manifest – Commercial storage and disposal facility requirements;
 - iv. 761.214 – Retention of manifest records;
 - v. 761.215 – Manifest discrepancies;
 - vi. 765.216 – Unmanifested waste report;
 - vii. 761.217 – Exception reports; and
 - viii. 761.219 – One-year exception reporting.

5. Veolia shall maintain copies of the manifests, either paper copies or electronically available in an online e-Manifest account as required in § 761.218(e) and (f), and certificates of disposal for all PCBs and PCB Items that have been stored at the Veolia Facility. Veolia shall provide copies of certificates of disposal to the generator of PCBs and PCB Items that were stored at Veolia facility within thirty (30) calendar days of receipt by Veolia 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 prepared in black ink or typed. Any modification or correction of the records must be initialed and dated by a Veolia worker authorized to make such change. If the recordkeeping is maintained electronically, Veolia shall produce and maintain hard copy printouts when requested by EPA and shall back-up the data on a daily basis. During any period in which the electronic recordkeeping system is rendered non-operational, Veolia must implement a comparably reliable alternate recordkeeping system in its place.

8. All records required to be maintained either by the PCB Regulations or this Approval shall be maintained at one centralized location at the Veolia Facility and shall be made available for inspection by EPA authorized representatives. When Veolia ceases operations, all such records shall be made available to EPA at the Veolia Facility for a period of at least five (5) years following cessation of operations. If Veolia is unable to comply with this condition because it is no longer in control of the site, it shall comply by making such records available at an alternative location proposed by Veolia and approved by EPA in writing.

9. As required under 40 CFR § 761.180(b)(3), Veolia shall submit to EPA via email (ORCRPCBs@epa.gov) unless otherwise noted by EPA, an annual report by July 15 of each year for the previous calendar year. The annual report shall contain the information required by 40 CFR § 761.180(b)(3)(i) through (b)(3)(iv).

10. All reports, notifications and other information requested to be provided to the EPA shall be signed by a Veolia officer or by the Veolia Environmental and Safety Manager.

11. Unless otherwise specified herein, reports, notification, mail or other submittals required to be submitted to the EPA under this Approval shall be sent to:

PCB Coordinator
U.S. Environmental Protection Agency, Region 1
5 Post Office Square, Suite 100
Boston, Massachusetts 02109
Email: R1PCBS@epa.gov

12. No recordkeeping, report or communication required under this Approval shall qualify as a self-audit or voluntary disclosure under EPA audit, self-disclosure or penalty policies.

I. Closure and Financial Assurance

1. Veolia shall maintain financial assurance as specified in 40 CFR § 761.65(g) and 40 CFR Part 264, Subpart H, to provide for:

- (a) funding in accordance with the approved closure plan listed in Condition I.2.; and
- (b) compensating others for bodily injury and property damage caused by accidents arising from operations of the Facility.

2. The Closure Plan and Closure Cost Estimate submitted as part of the Veolia Application is deemed acceptable under 40 CFR § 761.65(e) and is incorporated by reference into this Approval. Veolia shall comply with the approved Closure Plan and Closure Cost Estimate.

3. Veolia has demonstrated financial assurance for closure of the Veolia Facility as required by 40 CFR § 761.65(g). Veolia may not modify its mechanism for financial assurance without prior written approval from EPA. Veolia shall submit proposed changes to its financial assurance mechanism to the PCB Coordinator and shall not implement such modification until it receives written EPA approval.

4. Veolia shall adjust the Closure Cost Estimate annually to reflect inflation as required by 40 CFR § 761.65(f)(2) within sixty (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 thirty (30) days after the close of Veolia's fiscal year). Veolia shall submit a copy of the annually adjusted Closure Cost Estimate to EPA no later than the annual anniversary of the effective date of this Approval. If the annual adjustment to the Closure Cost Estimate changes the required amount such that it exceeds the face value of the existing financial assurance mechanism, Veolia shall make a corresponding increase to its financial assurance mechanism. In the event modification to the financial assurance mechanism amount is required, Veolia shall submit documentation of adequate financial assurance to the Director of the Region 1 Land, Chemicals, and Redevelopment Division, and the PCB Coordinator.

5. Veolia shall modify the Closure Plan and Closure Cost Estimate whenever any changes in ownership, operating plans, maximum storage capacity or facility design affect the Closure Plan; whenever there is a change in the expected year of closure; or whenever unexpected events during closure require modification. If Veolia becomes aware of information indicating that the estimated costs associated with performing closure of the Veolia Facility may exceed the current Closure Cost Estimate approved by EPA, Veolia shall modify the Closure Plan and/or Closure Cost Estimate, as appropriate. Veolia shall submit proposed modifications to its Closure Plan and/or Closure Cost Estimate to EPA in the form of a modified application and shall not implement such modifications until it receives written EPA approval. Veolia shall base modifications to Closure Cost Estimates on maximum cost conditions, as specified in 40 CFR § 761.65(f)(i) - (iv), and shall submit them to EPA with a "certification," as defined in 40 CFR § 761.3.

6. When an EPA-approved modification to the Facility's Closure Plan increases the Closure Cost Estimate, or when EPA approves a modification which increases the Facility's Closure Cost Estimate, Veolia shall make corresponding increases to its financial assurance and provide documentation to EPA of such change no later than thirty (30) days after such modification is approved by EPA.

7. When an EPA-approved modification to the Facility increases the maximum storage capacity in Condition C.1.a., Veolia shall notify the PCB Coordinator in writing no later than thirty (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 Facility.

8. Veolia shall keep a copy of the most recently approved Closure Plan, Closure Cost Estimate and financial assurance document(s) at the Facility and make such documents available to EPA authorized representatives, upon request.
9. Veolia shall notify the Director of the Land, Chemicals, and Redevelopment Division and or the PCB Coordinator in writing at least sixty (60) days prior to the date it expects to begin closure. The date Veolia “expects to begin closure” shall be no later than thirty (30) days after the date on which Veolia receives its final quantities of PCB waste for storage.
10. In accordance with Veolia’s approved closure plan, Veolia shall remove all PCB waste in storage at the Veolia Facility within ninety (90) days after receiving the final quantity of PCB waste for storage and shall complete closure activities within 180 days after receiving the final quantity of PCB waste for storage.
11. Upon termination of the operation, Veolia shall proceed according to the provisions of the Closure Plan submitted to and approved by EPA. As used in this paragraph, “termination of the operation” includes voluntary cessation of operations and cessation of operations required by expiration, termination, or revocation of this Approval.
12. 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.
13. If PCB waste is removed from the storage facility during closure, Veolia will become a generator of PCB waste subject to the generator requirements of 40 CFR Part 761, Subpart J.
14. Within sixty (60) days of completion of closure of the Veolia Facility, Veolia shall submit to the Director of the Land, Chemicals, and Redevelopment Division and the PCB Coordinator, a certification that the Facility has been closed in accordance with the approved closure plan. The certification shall be signed by Veolia and by an independent registered professional engineer.
15. Veolia shall submit to the PCB Coordinator a revised Closure Plan reflecting current conditions at the Facility at least 180 days prior to the anticipated beginning of closure activities. The revised Closure Plan must be approved in writing by U.S. EPA prior to implementation.

16. Veolia may petition the PCB Coordinator for permission to forgo submittal of a revised Closure Plan at least 180 days prior to the anticipated beginning of closure activities. In that petition, Veolia shall demonstrate that there have been no significant changes to the conditions at the Facility that would warrant revisions to the Closure Plan. The requirement to submit a revised Closure Plan at least 180 days prior to the anticipated beginning of closure activities will only be waived upon a written notification from EPA to Veolia granting the petition.

DECISION TO APPROVE VEOLIA’S RENEWAL APPLICATION TO COMMERCIALY STORE PCB
WASTE

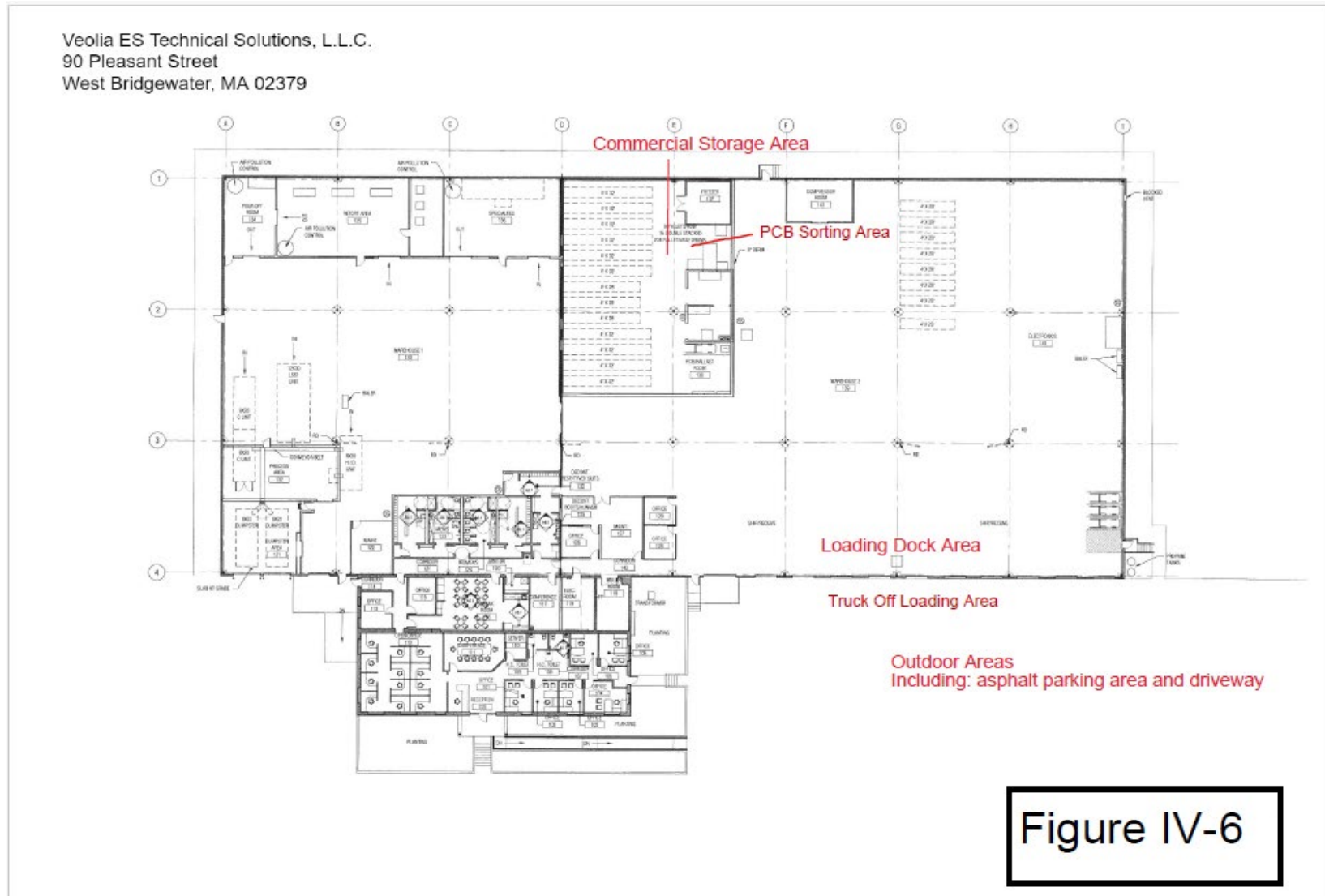
EPA has determined that the criteria for approval to engage in the commercial storage of PCB waste set forth in 40 CFR § 761.65(d) have been met. Specifically, the Application demonstrates that Veolia’s storage facility, storage capacity, employee qualifications, closure plan, and financial assurance for closure satisfy applicable requirements and that operation of the storage facility, when conducted in accordance with the conditions of this Approval and all applicable provisions of the PCB regulations, will not pose an unreasonable risk of injury to health or the environment. EPA approves the Renewal Application to commercially store PCBs and PCB Items for disposal at the Veolia Facility.

This Approval shall become effective the date the EPA acting on the Renewal Application, signs it and shall expire ten (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 Veolia from compliance with all applicable federal, state and local regulatory requirements, including the federal PCB regulations at 40 C.F.R. Part 761.

Date

Virginia (Ginny) Lombardo,
Acting Director Land, Chemicals and
Redevelopment Division



Veolia ES Technical Solutions, LLC
90 Pleasant St.
West Bridgewater, MA 02379
774-296-6030

Commercial Storage Area Plan

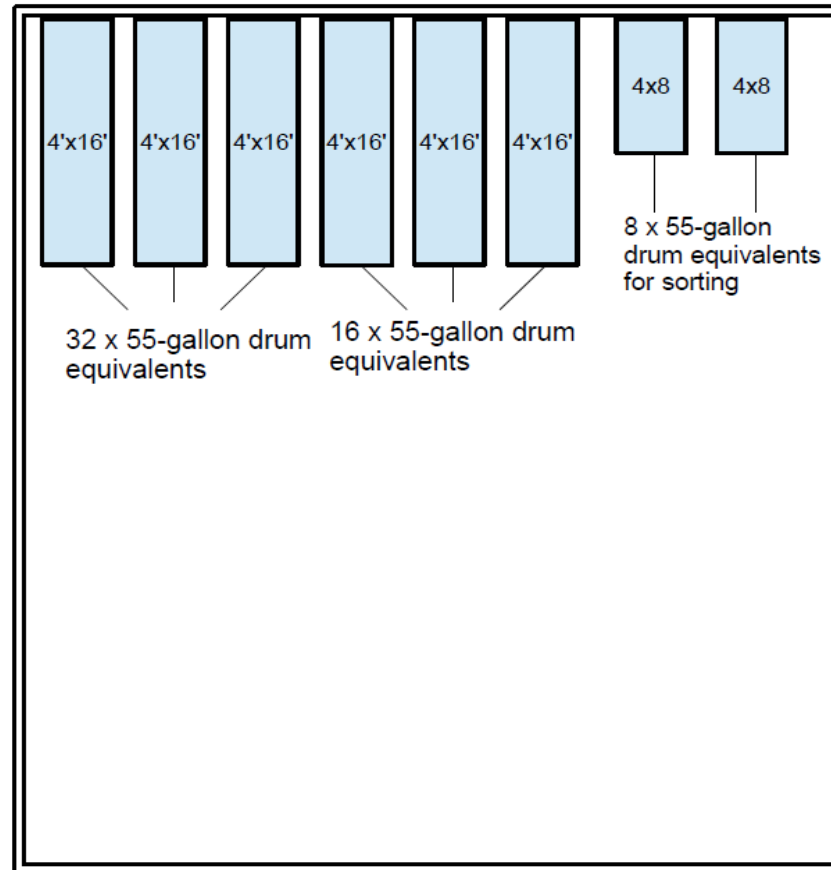


Figure IV-5

Veolia ES Technical Solutions, LLC
90 Pleasant St.
West Bridgewater, MA 02379
774-296-6030

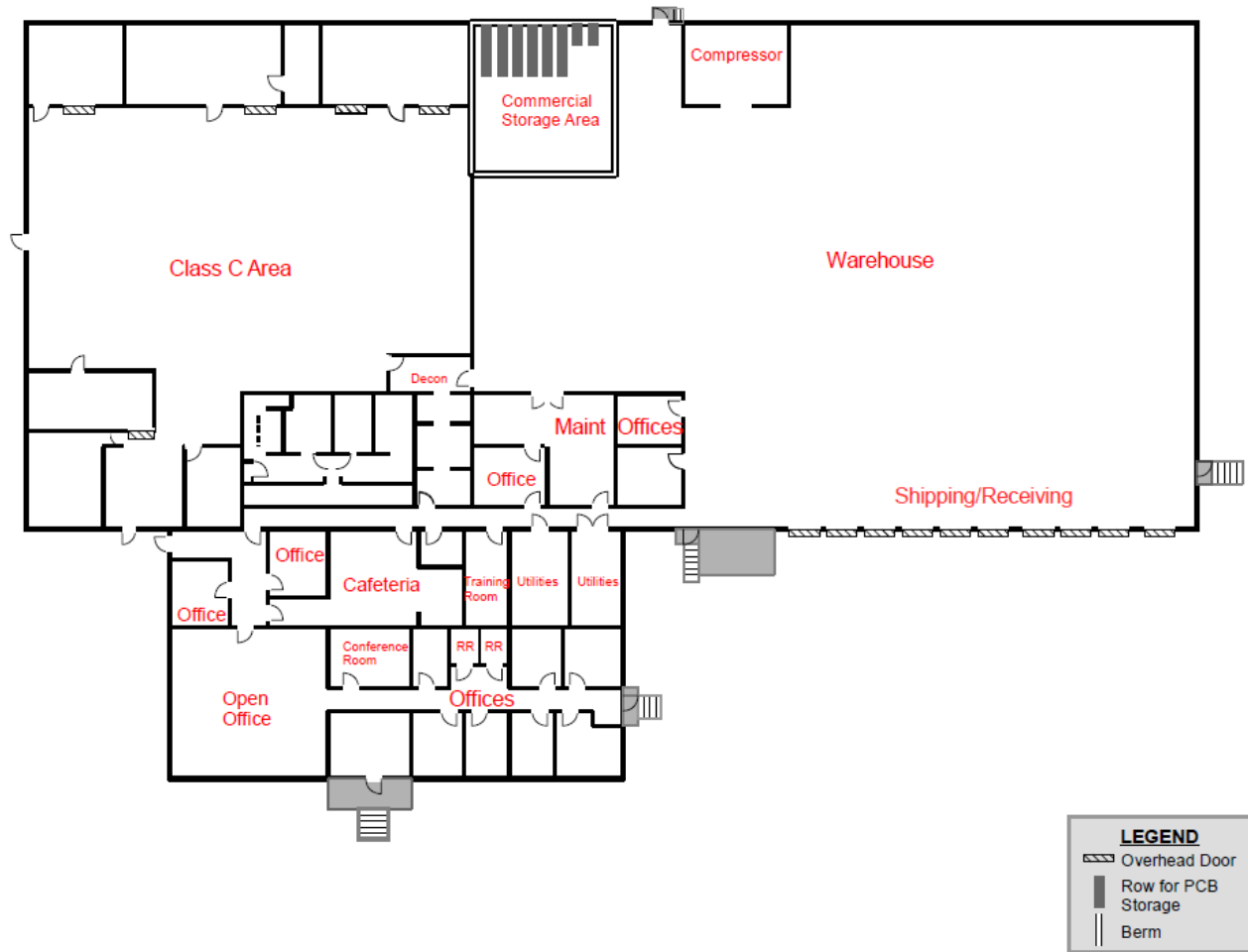


Figure IV-4

CERTIFICATION FORM

I, _____, _____ certify that

Print Name of Authorized Veolia Representative Title of Veolia Representative

I have received and reviewed the Approval to Commercially Store Polychlorinated Biphenyls, 2024 renewal, at the Veolia Facility in West Bridgewater, MA, on this ____ day of _____, and year of 2024, and hereby agree to abide by all Conditions of the Approval and all applicable requirements of the PCB Regulations, 40 CFR Part 761.

Signature

Date