

**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 1
5 Post Office Square
Boston, Massachusetts 02109**

In The Matter Of:

Cyn Oil Corporation)
d/b/a Cyn Environmental Services (Cyn)) Approval to Commercially
8 Progress Drive) Store Polychlorinated Biphenyls Waste
Dover, New Hampshire 03820)
NHD981211832)

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

Cyn Oil Corporation d/b/a Cyn Environmental Services (“Cyn”) operates a facility located at 8 Progress Drive in Dover, New Hampshire, at which it functions as a commercial storer of PCB waste (as defined in 40 CFR § 761.3) engaged in storage activities requiring EPA approval.

On November 27, 2000, Cyn submitted an initial application to commercially store PCB waste, which Cyn subsequently updated on March 17, 2014 and November 16, 2018. Cyn has been operating under interim approval status since July 3, 2001, when the interim approval granted to Jet-Line Services, the previous owner, was transferred after the facility was sold to Cyn. Jet-Line Services had operated under interim approval status in accordance with the PCB regulations at 40 CFR § 761.65(d)(1) since 1990 as an application for final approval as a PCB Commercial Storage Facility was submitted by August 2, 1990.

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 parts per million (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, 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. On May 15, 2008, the authority of the Regional Administrator was delegated to the Director, Office of Site Remediation and Restoration.

FINDINGS

Upon review of the Cyn Application, 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 Cyn’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, the conditions within, and any subsequent EPA-approved written modifications thereto.

“Application” and “Cyn’s Application” mean all data and materials upon which EPA based its decision to approve Cyn’s request for approval to commercially store PCBs and PCB Items, e.g. information submitted to EPA by Cyn to define, represent, or describe Cyn’s commercial storage operations. This includes, but is not limited to, Cyn’s November 27, 2000 initial application, Cyn’s March 17, 2014 updated application, Cyn’s November 15, 2018 updated application, and any subsequent Cyn application that EPA approves in writing as a modification to this Approval.

“CFR” means the Code of Federal Regulations.

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

“Director, OSRR” means the Director, Office of Site Remediation and Restoration, Region 1, U.S. EPA Boston, MA.

“Electrical equipment” means all PCB Equipment, PCB Capacitors, and PCB Transformers as defined in 761.3.

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

“Cyn” means Cyn Environmental Services, the company which operates the storage units at the PCB commercial storage facility located at 8 Progress Drive in Dover, New Hampshire, and which is approved to commercially store PCB waste under this Approval.

“Cyn Facility” and “Facility” mean all contiguous land and improvements on the land and all structures and other appurtenances of the PCB waste commercial storage facility located at 8 Progress Drive, in Dover, New Hampshire.

“Footprint” means the area of the storage area floor space taken up by PCBs and PCB Items, including but not limited to, PCB electrical equipment and transformers, PCB capacitors, drums, and containers.

“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 to typographical errors.

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

“PCB Coordinator” means the PCB Coordinator Region 1, U.S. EPA Boston, MA.

“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.

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

CONDITIONS OF APPROVALA. General Conditions1. Approval Compliance

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

(b) This Approval supersedes all previous Approvals for the commercial storage of PCB waste at the Facility issued by EPA to Cyn, including the Facility's interim approval status under § 761.65(d)(1).

(c) Cyn must comply and operate the Facility in accordance with Section 6(e) of TSCA, 15 U.S.C § 2605(e), and the PCB Regulations, including the requirements of the "PCB Spill Cleanup Policy" codified at 40 CFR Part 761, Subpart G.

(d) This Approval is based on the facts, representations, and certifications made by Cyn in its Application. In the event that the conditions of this Approval are inconsistent with the provisions of or information contained in the Cyn Application or supporting documentation, Cyn must comply with the conditions of this Approval.

(e) Cyn 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 stated herein 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.

(g) Compliance with this Approval does not relieve Cyn of the responsibility to comply with all other applicable federal, state, and local laws and regulations, including the PCB Regulations. Cyn should not rely solely on this Approval for all requirements related to PCBs or the storage of PCB waste.

2. Duty to Report Noncompliance

(a) If at any time Cyn 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, Cyn shall notify the PCB Coordinator within 24 hours and shall submit a written report to the Director, OSRR and 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 Cyn 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 request, Cyn shall provide information EPA deems necessary to determine whether cause exists for modification, suspension, revocation or termination of this Approval. Cyn 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 Cyn Application; or,
- (iv) For environmental civil violations committed by or criminal convictions of Cyn, its principles 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) Cyn must submit an application and receive written EPA approval for any modification to the Cyn Application or to this Approval. Cyn must not implement any such modifications until it receives written EPA consent.

(b) Minor modifications to the Cyn Application or to this Approval shall be submitted to the PCB Coordinator and shall be implemented only after receipt of written consent.

(c) Major modifications to the Cyn Application or to this Approval shall be submitted to the Director, OSRR and the PCB Coordinator and shall be implemented only after receipt of written consent.

5. Approval Expiration/Renewal

(a) This Approval shall expire 10 years from the date of signature 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 EPA has determined in writing that the application is complete.

(b) To continue the commercial storage of PCBs and PCB Items granted by this Approval after the expiration date of this Approval, Cyn 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 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 Cyn to submit additional information to support the renewal of this Approval. If Cyn 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 denial.

(c) If Cyn 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 Cyn's intent to close its PCB commercial storage facility.

6. Entry and Inspection

(a) Cyn 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 Cyn's activities, equipment, work practices, operations and processes.

7. Change in Ownership or Operational Control

(a) Cyn shall notify the Director, OSRR in writing 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. A copy of this notification shall be sent to the PCB Coordinator. Along with such notification, Cyn shall submit an application to modify the Cyn 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 Cyn'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 Cyn and make other conforming minor modifications, or
- (ii) 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, OSRR issues an approval in the transferee's name.

(d) Cyn 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 the operations present an unreasonable risk of injury to health or the environment.

8. Transformers and Other Electrical Equipment. If the PCB concentration of any transformer, or dielectric fluid within any transformer, received by Cyn is not known at the time of receipt, Cyn must treat the transformer as a PCB Transformer, (dielectric fluid contains 500 ppm or greater PCBs) until testing proves otherwise.

9. Bankruptcy. Cyn must notify EPA within three (3) business 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. Change in Flood Plain Designation. Cyn must submit a written notification to the PCB Coordinator immediately upon redesignation of the Facility within a 100-year flood plain. EPA may modify, suspend, revoke, or terminate this Approval if EPA determines that the change in flood plain designation, or any change in Facility operations resulting from or associated with such change in flood plain designation, may pose unreasonable risk of injury to health or the environment.

11. Severability. If any part or condition of this Approval is found to be invalid by any court of competent jurisdiction, all other provisions of this Approval shall remain in full force and effect.

B. PCB Storage Management

1. PCB Storage Areas

(a) Cyn's approved PCB storage areas are described below and are depicted in Attachment A. These PCB storage areas shall be maintained in compliance with 40 CFR § 761.65 and the Application.

(i) "PCB Room": 55 feet long by 32.5 feet wide by 6 inches high; epoxy coated concrete floor and curbing.

(ii) "Temporary Storage Area": Trucks parked adjacent to the PCB Room or in containers or pallets inside the building and adjacent to the PCB Room within the shipping/receiving area for ten (10) days or less

(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.

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. Cyn'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. Cyn 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.

(i) "PCB Room": 120, 55-gallon drums or similar containers holding up to 6,600 gallons of PCB liquids or solids

12 tanks, 550 gallons per tank, holding up to 6,600 gallons of PCB liquid.

2,000 cubic feet of PCB Items and PCB-contaminated transformers holding up to 2,400 gallons of liquid.

3,000 gallons of PCB-contaminated aqueous liquids in one skid mounted tank that feeds the aqueous treatment system.

(ii) "Temporary Storage Area": 5,000 gallons of liquid or equivalent non-liquid volume in the shipping/receiving area.

(b) Cyn 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, PCB Electrical 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 Equipment, PCB Electrical Equipment, and other PCB Articles shall be stored free-standing, or in PCB Containers.

(c) Leaking PCB Equipment, PCB Electrical Equipment, and other PCB Articles shall be stored in PCB Containers.

(d) Liquid PCBs shall be stored in PCB Containers, dedicated stationary storage containers (tanks), or in 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) Cyn'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) Cyn shall label all PCB Containers, PCB storage areas, and any PCB Item subject to the marking requirements under 40 CFR § 761.40 with the ML label defined in 40 CFR § 761.45.

(b) Cyn shall place a label or ensure a label has been placed 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) Cyn shall dispose of all PCBs and PCB Items within one (1) year after they are taken out of service for disposal. If additional time is required for disposal, Cyn shall comply with the requirements of 40 CFR § 761.65(a)(2) through (4), as applicable.

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.

(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) Cyn may store PCBs and PCB Items in a manner that allows maximum use of storage areas. However, PCBs and PCB Items must be stored in a manner that does not present an unreasonable risk of injury to health and the environment and that does not impede routine inspections carried out by Cyn as required by this Approval. During inspections conducted by EPA authorized representative(s), Cyn 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.3. and that are listed on the signature sheet described in Condition H.3(e), except that workers that are working for or on behalf of Cyn as of the effective date of this Approval that have been trained under previous versions of the Cyn training manual shall be allowed access to the PCB storage areas for up to sixty (60) days after the effective date of this Approval during which time they shall complete the training described in Condition E.3.

(e) Cyn 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 Regulations.

(f) If any PCB Container, PCB Article, PCB Article Container, or PCB Equipment is leaking, Cyn 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 in accordance with 40 CFR Part 761 Subpart G and the materials containing PCBs shall be disposed of in accordance with applicable provisions of the PCB Regulations 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. Any spills resulting from these activities shall be cleaned up in accordance with 40 CFR 761 Subpart G and the generated wastes shall be disposed in accordance with Condition F.4.

6. Storage Area Inspection Requirements

(a) PCBs and PCB Items in storage shall be checked for leaks and spills on a monthly basis. Cyn 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 Conditions F.2 and F.4 and reported if required by Condition F.3. Records of cleanup and disposal must be maintained in accordance with Condition H.3(c).

(b) At least once every thirty (30) days, as required by §761.65(c)(5), Cyn shall conduct a thorough inspection of each PCB storage area at the Facility. The following elements shall be included and documented 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) 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 for cracks, deterioration, etc.; and
 - (vi) Spill response and emergency equipment as described in the Spill Prevention Control and Countermeasure Plan submitted as part of the Cyn Application (“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 F.
- (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, and documented as part of the inspection records.

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

1. Cyn shall maintain and operate the Facility to prevent fire, explosion, releases of PCBs to the environment, and exposure of workers of PCBs.
2. The Cyn Facility must be secured to restrict public access to the PCB storage and handling areas.

E. Worker Protection

1. Cyn workers with access to PCB storage areas 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. Cyn shall comply with all applicable health and safety standards, as required by federal, state and local regulations and ordinances.
3. All employees hired subsequent to the date of this Approval must be trained, as specified in Cyn's personnel training program and training schedule. In addition, Cyn 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.
4. Within thirty (30) days of the effective date of this Approval, Cyn shall update, as necessary, 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.
5. Cyn shall make its training manual available to EPA upon request. EPA shall have the right to review the Cyn training manual and require Cyn to correct any deficiencies in a prompt manner.
6. All new workers must complete training in accordance with the Cyn 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 Cyn training manual.
7. Except as provided in Condition E.8, the PCB concentration of *non-porous surface* areas located outside of PCB storage areas shall not exceed 10 µg/100 cm² and all *porous surfaces* located outside of PCB storage areas shall not exceed 1 ppm.
8. The PCB concentration of food handling areas, including any locations where food or drink is prepared, stored or consumed, shall not exceed a concentration of 1 µg/100 cm² PCBs for *non-porous surfaces* and 1 ppm for *porous surfaces*.
9. Any person entering and leaving the PCB storage area must do so through a clean-in/clean-out station.

10. The PCB concentration of *non-porous surface* areas located in the clean-in/clean-out station shall not exceed 10 µg /100 cm² and all *porous surfaces* located in the clean-in/clean-out station shall not exceed 1 ppm.

11. In the event the concentration of PCBs exceeds the levels set forth in Conditions E.7, E.8, E.9, or E.10, Cyn shall immediately begin decontamination of the affected area in accordance with applicable requirements of the PCB Regulations and this Approval. Cyn shall not encapsulate any PCB-containing areas outside of the storage areas regardless of PCB concentration levels without specific prior written approval from EPA.

12. Cyn must report incidents of worker or public injury or exposure to PCBs to the PCB Coordinator within twenty-four (24) hours of becoming aware of such injury or exposure incidents.

F. PCB Spills and Releases

1. Cyn has prepared and submitted a SPCC Plan as part of the Cyn Application. Cyn 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. Cyn 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 Region 1 Office of any PCB spill or release as required under 40 CFR § 761.125, shall be made to the PCB Coordinator. 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(b).

5. Cyn 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 Cyn. Examples of unauthorized entry or operation at the Facility to be reported to EPA include, but are not be limited to, tampering, destruction, or loss at the Facility which caused the release of PCBs.

G. Emergency Provisions

1. Cyn shall follow the SPCC Plan that was submitted as part of the Cyn Application whenever there is a fire, explosion, or release of PCBs or hazardous constituents.

2. Copies of the most current Cyn training manual, the most current SPCC Plan, and this Approval shall be maintained and be made available to all workers at the Cyn 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. Cyn 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 Cyn, Cyn shall establish and follow a testing and maintenance plan for those manufactured items.
5. Whenever PCBs are being poured, mixed, or otherwise handled, Cyn 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 Cyn 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 Cyn Application, or the PCB Regulations, or that are otherwise appropriate.
7. Within thirty (30) calendar days from the initial issuance of this Approval, Cyn shall provide a written description of storage activities, stored materials, and emergency procedures, as described in the Cyn 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. Cyn shall review and promptly modify, if necessary, the SPCC Plan whenever:
 - (a) such plan fails in an emergency;
 - (b) Cyn 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. Cyn 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. Cyn 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. Cyn must maintain records demonstrating compliance with the requirements of 40 CFR § 761.180(a) and (b) and this Approval, to include, at a minimum:
 - (a) the documentation of PCB content, sampling and analytical testing requirements of Condition C.5(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);
 - (e) the worker training requirements of Conditions E.3 and E.6, 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 Cyn training manual on the date specified;
 - (f) the detection of PCB concentration exceedance(s) and decontamination requirements under Conditions E.7, E.8, E.9, or E.10;

- (g) the spill requirements of Conditions F.1, F.2 and F.3;
- (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; and
- (k) the emergency responder notification requirements of Condition G.7; and
- (l) Manifest requirements
 - (i) Cyn shall comply with the following provisions of 40 CFR Part 761, Subpart K, as applicable:
 - 761.207 – Manifest – General requirements;
 - 761.210 – Use of the manifest – Generator requirements;
 - 761.213 – Use of the manifest – Commercial storage and disposal facility requirements;
 - 761.214 – Retention of manifest records;
 - 761.215 – Manifest discrepancies;
 - 765.216 – Unmanifested waste report;
 - 761.217 – Exception reports; and
 - 761.219 – One-year exception reporting.

4. Cyn shall maintain copies of the manifests, either paper copies or electronically available in an online e-Manifest account, and certificates of disposal, as applicable, for all PCBs and PCB Items that have been stored at the Cyn Facility. Cyn shall provide copies of certificates of disposal to the generator of PCBs and PCB Items that were stored at Cyn Facility within thirty (30) calendar days of receipt by Cyn of documentation of final disposal of such PCBs and PCB Items.

5. All records relating to sampling, analysis, and quality assurance required by the PCB Regulation or this Approval shall include the following:

- (a) For all sample analysis (i.e., in-house lab or external analytical laboratory):
 - (i) exact date, place, and time of each sample collected;
 - (ii) volume of each sample collected;
 - (iii) name of person collecting each sample; and,
 - (iv) analytical results, which may be documented in a laboratory report.
- (b) For samples analyzed by the in-house lab:
 - (i) name of analyst;

- (ii) date and time of analysis;
 - (iii) the extraction and PCB analytical techniques or methods used for each sample;
 - (iv) the analytical results including chromatographs, calculations, and other raw data;
 - (v) calibration records and maintenance records of sampling equipment and analytical instrumentation; and,
 - (vi) records of quality assurance/quality control activities.
6. 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 Cyn worker authorized to make such change. If the recordkeeping is maintained electronically, Cyn shall produce and maintain hard copy printouts when requested by EPA and shall back-up the data daily. During any period in which the electronic recordkeeping system is rendered non-operational, Cyn must implement a comparably reliable alternate recordkeeping system in its place.
7. All records required to be maintained either by the PCB Regulations or this Approval shall be maintained at one centralized location at the Cyn Facility and shall be made available for inspection by EPA authorized representatives. When Cyn ceases operations, all such records shall be made available to EPA at the Cyn Facility for a period of at least five (5) years following cessation of operations. If Cyn is unable to comply with this condition because it is no longer in control of the Facility, it shall comply by making such records available at an alternative location proposed by Cyn and approved by EPA in writing.
8. All reports, notifications and other information requested to be provided to the EPA shall be signed by a Cyn officer or by the Cyn Environmental Regulatory Compliance Manager.
9. Unless otherwise specified herein, reports, notifications, mail or other submittals required to be submitted to the EPA, the Director, OSSR and/or the PCB Coordinator under this Approval shall be to:
- Kimberly N. Tisa PCB Coordinator (or successor in position)
U.S. Environmental Protection Agency, Region 1
5 Post Office Square, Suite 100 (OSRR07-2)
Boston, Massachusetts 02109
Telephone: 617.918.1527
Tisa.kimberly@epa.gov
10. 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. Cyn 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 Cyn Application are deemed acceptable under 40 CFR § 761.65(e) and are incorporated by reference into this Approval. Cyn shall comply with the approved Closure Plan.
3. Cyn has demonstrated financial assurance for closure of the Cyn Facility as required by 40 CFR § 761.65(g). Cyn may not modify its mechanism for financial assurance without prior written approval from EPA except as provided in Condition I.4. Cyn 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. Cyn 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 30 days after the close of Cyn's fiscal year). Cyn 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, Cyn shall make a corresponding increase to its financial assurance mechanism. In the event modification to the financial assurance mechanism amount is required, Cyn shall submit documentation of adequate financial assurance to the PCB Coordinator.
5. Cyn 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 Cyn becomes aware of information indicating that the estimated costs associated with performing closure of the Cyn Facility may exceed the current Closure Cost Estimate approved by EPA, Cyn shall modify the Closure Plan and/or Closure Cost Estimate, as appropriate. Cyn shall submit proposed modifications to its Closure Plan and/or Closure Cost Estimate to the PCB Coordinator in the form of a modified application and shall not implement such modifications until it receives written EPA approval. Cyn shall base modifications to the Closure Cost Estimate on maximum cost conditions, as specified in 40 CFR § 761.65(f)(i) - (iv) and shall submit the Closure Cost Estimate 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, Cyn 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., Cyn 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 as necessary to account for costs associated with the increased capacity. The new or amended financial assurance mechanism must be established and activated no later than thirty (30) days after notification of the completion of the modification but prior to the use of the modified portion of the Facility.
8. Cyn 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. Cyn shall notify the Director, OSRR and PCB Coordinator in writing at least sixty (60) days prior to the date it expects to begin closure. The date Cyn "expects to begin closure" shall be no later than thirty (30) days after the date on which Cyn receives its final quantities of PCB waste for storage.
10. Cyn 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.
11. Cyn may petition the PCB Coordinator for permission to forego submittal of a revised Closure Plan at least 180 days prior to the anticipated beginning of closure activities. In that petition, Cyn 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 Cyn granting the petition.
12. In accordance with the approved Closure Plan, Cyn shall remove all PCB waste in storage at the Cyn 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.
13. Upon termination of the operation, Cyn 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.

14. 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.

15. If PCB waste is removed from the storage facility during closure, Cyn will become a generator of PCB waste subject to the generator requirements of 40 CFR Part 761, Subpart J.

16. Within sixty (60) days of completion of closure of the Cyn Facility, Cyn shall submit to the Director, OSRR and PCB Coordinator a certification that the Facility has been closed in accordance with the approved Closure Plan. The certification shall be signed by Cyn and by an independent registered professional engineer.

DRAFT

DECISION TO APPROVE CYN'S APPLICATION TO COMMERCIALY STORE PCB
WASTE

Based on the information contained in the Application, 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. More specifically, the Application demonstrates that Cyn'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 Cyn Application to commercially store PCBs and PCB Items at the Cyn Facility.

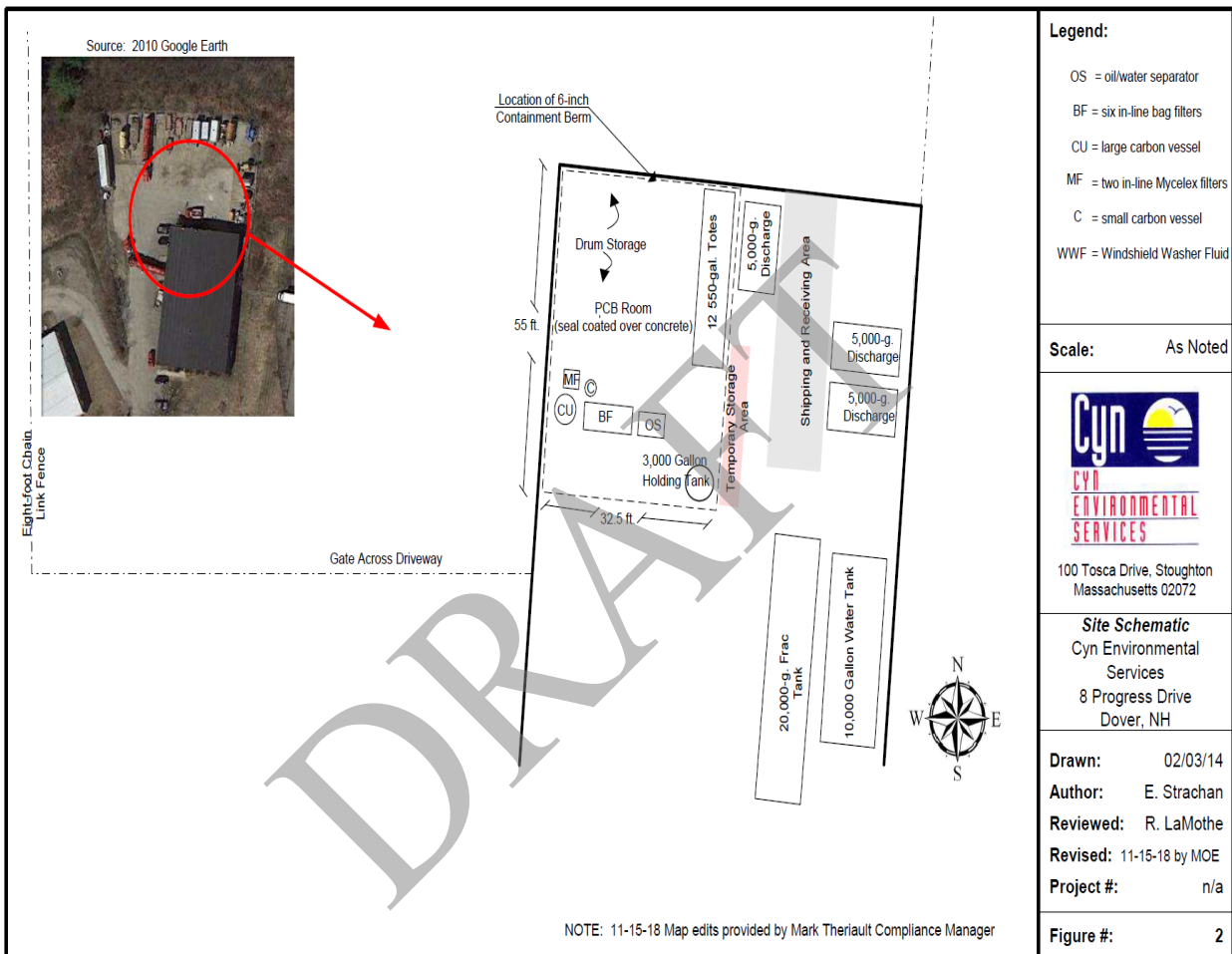
This Approval shall become effective as of the signature date below, by the Director, Office of Site Remediation and Restoration acting on Cyn's Application, and shall expire 10 years from this date, unless suspended, revoked or terminated, or administratively continued, in accordance with the conditions of this Approval, or unless otherwise authorized under applicable law.

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

Date

Bryan Olson
Director, Office of Site Remediation and Restoration

Attachment A — Diagrams of Approved Storage Areas (Condition B.1(a))



CERTIFICATION FORM

I, _____, _____ certify that I
Print Name of Cyn Authorized Representative Title

have received and reviewed the *Approval to Commercially Store Polychlorinated Biphenyls*, at the Cyn Facility in Dover, New Hampshire, on this _____ day of _____, and year of 20____, 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

DRAFT