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RMRS Rocky Mountain Remediation Services, L.L.C.
. . . protecting the environment
Rocky Flats Environmental Technology Site
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K-H Corres. #		
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HUGHES, F.P.		
KASEN, J. A.		
KORENKO, M. K.		
LAW, J. E.		
MILLS, S. H		
OVERLID, T. W.		
PATTERSON, J.W.		
SUTTON, S. R.		
TRICE, K. D.		
WHEELER, M.	X	
WOLF, K. Z.	X	
WOLF, R. C.		
HOPKINS, T. A.	X	
LESSER, R. P.	X	
RIDD, D. L.	X	X
McPHERSON, C.	X	X
URBAN, D. L.	X	X
ADMIN RECORD	X	X
RMRS RECORDS	X	X
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ACTION ITEM STATUS:		
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LTR APPROVALS:		
ORIG. & TYPIST INITIALS:		
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RF-46469(Rev.1/99)		

May 24, 1999

Weld County Department of Environmental Health
Attn: Trevor Jiricek
1555 North 17th Avenue
Greeley, CO 80631

99-RF-02036

SHIPMENT OF POLYCHLORINATED BIPHENYL (PCB) BULK PRODUCT WASTE TO REBUBLIC SERVICES INC.,ERIE CO – TAH-042-99

Reference: Ted Hopkins letter to Mark Clinker, Republic Services, Inc. (TAH-028-99), Clarification of April 7, 1999, notification of Intent to ship Polychlorinated Biphenyl Waste, April 21, 1999

I appreciate the time you have spent discussing shipping of Rocky Flats Environmental Technology Site (SITE)'s demolition debris wastes to Republic Services Inc. located in Erie, CO. This correspondence formally requests concurrence that environmentally protective management of these materials, consistent with applicable law, is allowable at Republic's Erie facility.

The demolition debris to be disposed at the Republic Landfill in Erie contains PCB Bulk Product Wastes. As we discussed, the regulations define PCB Bulk Product Wastes to include: applied dried paints; varnishes; waxes; caulking; and plastics such as wire insulation, electronics casings, and furniture laminates. Prior to 1978, PCBs were often used in these materials as either plasticizing agents or pigments. Although incorporation of PCBs into such products was banned in 1978, demolition of almost any pre-1978 structure can be expected to generate some PCB bulk product waste.

The United States Environmental Protection Agency (USEPA) evaluated these wastes, and in June 1998, promulgated new regulations governing the disposal of PCB Bulk Wastes. These regulations, designed by the USEPA to protect human health and the environment, can be found in 40 CFR § 761.62 (see Attachments 1 and 2), and allow landfill of such wastes at RCRA Subtitle D facilities, if prior written notification has been made. The SITE provided the required notification to Republic Services Inc. on April 21, 1999, (see Attachment 3). As explained in the referenced letter, the SITE has procedures to ensure that TSCA regulated materials, which cannot be disposed of at Republic Services Inc.'s Erie facility under either federal or state requirements, will not be shipped to the facility.

Republic Services Inc.'s Hazardous Waste Exclusion Program (see Attachment 4) was crafted to satisfy the facility's permit condition to exclude materials unsuitable for disposal. This program proposes to exclude PCBs, even if disposal of the materials is consistent with regulatory requirements and public health and safety are protected.

Inasmuch as federal and state law authorizes the disposal of PCB Bulk Product Wastes at the Republic's Erie facility, we encourage the Program be appropriately revised.

The SITE requests written concurrence that demolition debris containing PCB bulk product wastes, appropriate for disposal under federal and state statutes and regulations, is appropriate for disposal at the Erie landfill. Please contact Richard Lesser at (303) 966-2298 if you have any questions.

Ted Hopkins, Manager
Environmental Compliance

RPL:dlu

Attachments: (4)
As Stated

cc:

Karan North	Kaiser-Hill
Florence Phillips	Kaiser-Hill
Mark Selman	Savant
David Stahl	Town of Erie

TECHNICAL CORRECTIONS TO PCB DISPOSAL AMENDMENTS

As of August 25, 1998

A number of technical errors occurred in publishing the PCB Disposal Amendments. Below are the errors we have identified so far, and the correct text that should be substituted. Errors in the preamble are identified with reference to the page and column of the Federal Register in which they occur. Errors in the text of the rule itself are identified with reference to the section and paragraph in which they occur. This list will be updated periodically. If you identify what seems to be a technical error not listed here, please send a fax to Julie Simpson of the OPPT Fibers and Organics Branch at (202) 260-1724, or an e-mail message to simpson.julie@epa.gov.

Preamble

Page 35390 contains an incorrect character. In the first sentence of the third full paragraph of the second column, "for non-porous surfaces in contact with liquid PCBs destined for smelting, ≤100 μg PCBs/100 cm^2" should read "for non-porous surfaces in contact with liquid PCBs destined for smelting, <100 μg PCBs/100 cm^2".

Page 35390 refers to incorrect units of measurement. In the first partial paragraph of the third column, "for organic and non-aqueous inorganic liquids, ≤2 mg PCBs/L" should read "for organic and non-aqueous inorganic liquids, ≤2 mg PCBs/kg". "The codified text uses ppm or milligrams per liter (mg/L) for concentration measurements of non-aqueous liquids" should read, "The codified text uses ppm or milligrams per kilogram (mg/kg) for concentration measurements of non-aqueous liquids".

Page 35390 contains an incorrect citation. In the fifth sentence of the first full paragraph of the third column, "§761.79(g)(2)" should read "§761.79(g)(3)".

On page 35391, in the second sentence of the first paragraph under the discussion of "References", third column, replace "... Philadelphia, PA." with "...West Conshohocken, PA."

Page 35392 contains an incorrect reference to industrial furnaces. In the last sentence of the last paragraph of the first column, "industrial furnace" should read, "scrap metal recovery oven or smelter".

Page 35396 contains an incorrect citation. In the last sentence

of the second full paragraph of the first column, "§761.30(t)" should read "§761.30(s)".

Page 35403 contains incorrect references to industrial furnaces. In the third sentence of the first partial paragraph of the first column, and in the first sentence of the first full paragraph of the second column, "an industrial furnace" should read, "a scrap metal recovery oven or smelter".

Text on page 35404 suggests that only natural gas pipe being abandoned should be characterized by sampling condensate. The sixth sentence of the second full paragraph of the third column should read, "Collect condensate within 72 hours of the final transmission of natural gas through the part of the system to be abandoned or removed. Collect wipe samples after the last transmission of gas through the pipe or during removal from the location it was used to transport natural gas."

Page 35405 contains an incorrect reference to industrial furnaces. In the second sentence of the fourth full paragraph of the first column, "an industrial furnace" should read, "a smelter".

Page 35409 contains an incorrect citation. In the second paragraph of the second column, "(see §761.61(a)(5)(i)(B)(3)(*iv*) of the regulatory text)" should read, "(see §761.61(a)(5)(i)(B)(2)(*iv*) of the regulatory text)".

Page 35410 contains an incorrect citation. In the fourth sentence of the third full paragraph of the third column, "§761.65(c)(10)" should read "§761.65(c)(9)".

Page 35411 contains an incorrect citation. In the third full paragraph of the first column, "(see §761.62(b)(1)(iii))" should read, "(see §761.62(b)(1)(ii))".

On page 35412, in the second and third full paragraphs of the first column, the three references to "subpart O" should be references to "subpart R".

On page 35413, a spelling error occurs. In the second full paragraph of the first column, "(e.g., chopping, stripping insulation, and scrapping)" should read, "(e.g., chopping, stripping insulation, and scraping)".

On page 35414, the preamble makes a statement that is inconsistent with the corresponding regulatory text. In the last partial paragraph of the second column, the last three sentences should be deleted and the following added: "Since RCRA interim status facilities have financial assurance and are subject to

corrective action, §761.65(b)(2) allows alternate storage of PCBs at these facilities as long as the containment requirements of 40 CFR 264.175 are met and spills of PCBs are cleaned up in accordance with the PCB Spill Cleanup Policy."

Page 35418 contains incorrect references to industrial furnaces. In the second sentence of the second full paragraph of the second column, and in the fifth sentence of the second full paragraph of the second column, "an industrial furnace" should read, "a smelter".

Regulatory text

In §761.1(b)(3), a character is missing. "≤10/100 cm^2" should read, "≤10 $\mu g/100\ cm^2$".

In the last sentence of §761.2(a)(3), "and" should be substituted for "or". The sentence should read, "If the date of manufacture and the type of dielectric fluid are unknown, any person must assume the transformer to be a PCB Transformer."

The definition at §761.3 for "ASTM" contains an incorrect address. The correct address is "100 Barr Harbor Drive, West Conshohocken, PA 19428-2959."

The definition of "PCB remediation waste" in §761.3 can be clarified by adjusting the punctuation. Paragraph (3) should read, "Buildings and other man-made structures (such as concrete or wood floors, or walls contaminated from a leaking PCB or PCB-Contaminated Transformer), porous surfaces, and non-porous surfaces."

§761.19(b) contains an incorrect address for the American Society for Testing and Materials (ASTM). The correct address is "100 Barr Harbor Drive, West Conshohocken, PA 19428-2959."

A phrase was omitted from §761.60(b)(5)(i)(C)(2). The first sentence should begin, "The pipe is filled to 50 percent or more of the volume of the pipe with grout . . ."

§761.60(b)(1)(i)(B) contains an incorrect citation. The second sentence should read, "Any person disposing of PCB liquids that are removed from the tranformer (including the dielectric fluid and all solvents used as a flush), shall do so in accordance with paragraph (a) of this section or shall decontaminate them in accordance with §761.79."

§761.60(b)(3)(i)(C), (b)(4)(i)(B), and (b)(6)(ii)(C) contain incorrect references to industrial furnaces. "An industrial

furnace" should read "a scrap metal recovery oven or smelter".

§761.60(b)(5)(i)(B) and (b)(5)(ii)(A)(1) appear to require that natural gas pipe always be characterized by wipe sampling. The phrase "in accordance with subpart M of this part" should be removed from each of these paragraphs. As provided in §761.60(b)(5)(iii), where the pipe contains organic liquids, characterization should be based on the concentration of these liquids.

In §761.60(b)(5)(ii)(A), the phrase, "scrap metal recovery oven and smelter operating in compliance with the requirements of §761.72", should read, "a scrap metal recovery oven or smelter operating in compliance with the requirements of §761.72".

§761.60(b)(5)(iii) suggests that only natural gas pipe being abandoned should be characterized by sampling condensate. The last sentence should read, "Collect condensate within 72 hours of the final transmission of natural gas through the part of the system to be abandoned or removed. Collect wipe samples after the last transmission of gas through the pipe or during removal from the location it was used to transport natural gas."

A phrase was omitted from the second sentence of §761.61(a)(3)(ii). The sentence should read, "If the EPA Regional Administrator does not respond within 30 calendar days of receiving the change notice, the person submitting the notification may assume that it is complete and acceptable and proceed with the cleanup according to the information the person provided to the EPA Regional Administrator."

§761.61(a)(5)(ii)(B)(*1*) contains an incorrect citation. "Paragraph (a)(5)(i)(B)(*3*)(*ii*)" should read, "paragraph (a)(5)(i)(B)(*2*)(*ii*)".

In §761.61(a)(5)(ii)(B)(*2*) contains an incorrect citation. "Paragraph (a)(5)(i)(B)(*3*)(*iii*)" should read, "paragraph (a)(5)(i)(B)(*2*)(*iii*)".

§761.62(b)(1)(ii) contains an incorrect reference. "Subpart O" should read ~~"subpart~~ R".

§761.62(b)(4)(i) contains an incorrect character. "≤50 ppm" should read, "≥50 ppm".

~~§761.72(c)(3)~~ contains an incorrect citation. In the first sentence, the phrase "the parameters and conditions listed in paragraphs (a)(12) through (a)(8) and (b)(1) through (b)(9) of this section" should read, "the parameters and conditions listed in paragraph (a) or (b) of this section".

§761.79(a)(5) contains an incorrect citation. "(c)(8)" should read "(c)(6)".

§761.79(c)(5)(i) contains an incorrect citation. "Paragraphs (b), (c)(1) through (c)(6), or (c)(8) of this section" should read "paragraphs (b), (c)(1) through (c)(4), or (c)(6) of this section".

§761.79(c)(5)(iv) contains an incorrect reference. The sentence, "Refill the system with clean PODF and repeat the circulation and drain process" should read, "Refill the system with clean solvent and repeat the circulation and drain process".

§761.79 contains incorrect references to industrial furnaces. In paragraph(c)(6)(i), "an industrial furnace" should read "a scrap metal recovery oven or smelter"; and, in paragraph (c)(6)(ii), "an industrial furnace" should read "a smelter".

§761.347(c)(3)(C) contains an incorrect citation. "Paragraph (c)(3)(iii) of this section" should read, "paragraph (c)(3)(i)(B) of this section".

restricted to use as a low occupancy area as defined in § 761.3.

(2) Of the existence of the fence or cap and the requirement to maintain the fence or cap.

(3) The applicable cleanup levels left at the site, inside the fence, and/or under the cap.

(B) Submit a certification, signed by the owner, that he/she has recorded the notation specified in paragraph (a)(8)(i)(A) of this section to the EPA Regional Administrator.

(ii) The owner of a site being cleaned up under this section may remove a fence or cap after conducting additional cleanup activities and achieving cleanup levels, specified in paragraph (a)(4) of this section, which do not require a cap or fence. The owner may remove the notice on the deed no earlier than 30 days after achieving the cleanup levels specified in this section which do not require a fence or cap.

(9) *Recordkeeping.* For paragraphs (a)(3), (a)(4), and (a)(5) of this section, recordkeeping is required in accordance with § 761.125(c)(5).

(b) *Performance-based disposal.* (1) Any person disposing of liquid PCB remediation waste shall do so according to § 761.60(a) or (e), or decontaminate it in accordance with § 761.79.

(2) Any person disposing of non-liquid PCB remediation waste shall do so by one of the following methods:

(i) Dispose of it in a high temperature incinerator approved under § 761.70(b), an alternate disposal method approved under § 761.60(e), a chemical waste landfill approved under § 761.75, or in a facility with a coordinated approval issued under § 761.77.

(ii) Decontaminate it in accordance with § 761.79.

(3) Any person may manage or dispose of material containing <50 ppm PCBs that has been dredged or excavated from waters of the United States:

(i) In accordance with a permit that has been issued under section 404 of the Clean Water Act, or the equivalent of such a permit as provided for in regulations of the U.S. Army Corps of Engineers at 33 CFR part 320.

(ii) In accordance with a permit issued by the U.S. Army Corps of Engineers under section 103 of the Marine Protection, Research, and Sanctuaries Act, or the equivalent of such a permit as provided for in regulations of the U.S. Army Corps of Engineers at 33 CFR part 320.

(c) *Risk-based disposal approval.* (1) Any person wishing to sample, cleanup, or dispose of PCB remediation waste in a manner other than prescribed in paragraphs (a) or (b) of this section, or store PCB remediation waste in a manner other than prescribed in § 761.65, must apply in writing to the EPA Regional Administrator in the Region where the cleanup site is located. Each application must contain information described in the notification required by § 761.61(a)(3). EPA may request other information that it believes necessary to evaluate the application. No person may conduct cleanup activities under this paragraph prior to obtaining written approval by EPA.

(2) EPA will issue a written decision on each application for a risk-based method for PCB remediation wastes. EPA will approve such an application if it finds that the method will not pose an unreasonable risk of injury to health or the environment.

§ 761.62 Disposal of PCB bulk product waste.

PCB bulk product waste shall be disposed of in accordance with paragraph (a), (b), or (c) of this section. Under some of these provisions, it may not be necessary to determine the PCB concentration or leaching characteristics of the PCB bulk product waste. When it is necessary to analyze the waste to make either of these determinations, use the applicable procedures in subpart R of this part to sample the waste for analysis, unless EPA approves another sampling plan under paragraph (c) of this section.

(a) *Performance-based disposal.* Any person disposing of PCB bulk product waste may do so as follows:

(1) In an incinerator approved under § 761.70.

(2) In a chemical waste landfill approved under § 761.75.

(3) In a hazardous waste landfill permitted by EPA under section 3004 of RCRA, or by a State authorized under section 3006 of RCRA.

(4) Under an alternate disposal approval under § 761.60(e).

(5) In accordance with the decontamination provisions of § 761.79.

(6) For metal surfaces in contact with PCBs, in accordance with the thermal decontamination provisions of § 761.79(c)(6).

(7) In accordance with a TSCA PCB Coordinated Approval issued under § 761.77.

(b) *Disposal in solid waste landfills.* (1) Any person may dispose of the following PCB bulk product waste in a facility permitted, licensed, or registered by a State as a municipal or non-municipal non-hazardous waste landfill:

(i) Plastics (such as plastic insulation from wire or cable; radio, television and computer casings; vehicle parts; or furniture laminates); preformed or molded rubber parts and components; applied dried paints, varnishes, waxes or other similar coatings or sealants; caulking; Galbestos; non-liquid building demolition debris; or non-liquid PCB bulk product waste from the shredding of automobiles or household appliances from which PCB small capacitors have been removed (shredder fluff).

(ii) Other PCB bulk product waste, sampled in accordance with the protocols set out in subpart O of this part, that leaches PCBs at <10 µg/L of water measured using a procedure used to simulate leachate generation.

(2) Any person may dispose of PCB bulk product waste other than those materials meeting the conditions of paragraph (b)(1) of this section, (e.g., paper or felt gaskets contaminated by liquid PCBs in a facility that is permitted, licensed, or registered by a State to manage municipal solid waste subject to part 258 of this chapter or non-municipal non-hazardous waste subject to §§ 257.5 through 257.30 of this chapter, as applicable, if:

(i) The PCB bulk product waste is segregated from organic liquids disposed of in the landfill unit.

(ii) Leachate is collected from the landfill unit and monitored for PCBs.

(3) Any release of PCBs (including but not limited to leachate) from the landfill unit shall be cleaned up in accordance with § 761.61.

(4)(i) Any person disposing off-site of PCB bulk product waste regulated under paragraph (b)(1) of this section at a waste management facility not having a commercial PCB storage or disposal approval must provide written notice to the facility a minimum of 15 days in advance of the first shipment from the same disposal waste stream. The notice shall state that the PCB bulk product waste may include components containing PCBs at ≤50 ppm based on analysis of the waste in the shipment or application of a general knowledge of the waste stream (or similar material) which is known to contain PCBs at those levels, and that the PCB bulk product waste is known or presumed to leach <10 µg/L PCBs.

(ii) Any person disposing off-site of PCB bulk product waste regulated under paragraph (b)(2) of this section at a waste management facility not having a commercial PCB storage or disposal approval must provide written notice to the facility a minimum of 15 days in advance of the first shipment from the same disposal waste stream and with each shipment thereafter. The notice shall state that the PCB bulk product waste may include components containing PCBs at ≥50 ppm based on

analysis of the waste in the shipment or application of a general knowledge of the waste stream (or similar material) which is known to contain PCBs at those levels, and that the PCB bulk product waste is known or presumed to leach ≥10 µg/L PCBs.

(5) Any person disposing of PCB bulk product waste must maintain a written record of all sampling and analysis of PCBs or notifications made under this paragraph for 3 years from the date of the waste's generation. The records must be made available to EPA upon request.

(6) Requirements in subparts C and K of this part do not apply to waste disposed of under paragraph (b) of this section.

(c) *Risk-based cleanup approval.* (1) Any person wishing to sample or dispose of PCB bulk product waste in a manner other than prescribed in paragraphs (a) or (b) of this section, or store PCB bulk product waste in a manner other than prescribed in § 761.65, must apply in writing to: the EPA Regional Administrator in the Region where the disposal or storage site is located, for disposal or storage occurring in a single EPA Region; or the Director of the National Program Chemicals Division, for disposal or storage occurring in more than one EPA Region. Each application must contain information indicating that, based on technical, environmental, or waste-specific characteristics or considerations, the proposed storage or disposal methods or locations will not pose an unreasonable risk of injury to health or the environment. EPA may request other information that it believes necessary to evaluate the application. No person may conduct disposal or storage activities under this paragraph prior to obtaining written approval by EPA.

(2) EPA will issue a written decision on each application for a risk-based storage or disposal method for PCB bulk product wastes. EPA will approve such an application if it finds that the method will not pose an unreasonable risk of injury to health or the environment.

(d) *Disposal as daily landfill cover or roadbed.* Bulk product waste described in paragraph (b)(1) of this section may be disposed of:

(1) As daily landfill cover as long as the daily cover remains in the landfill and is not released or dispersed by wind or other action; or

(2) Under asphalt as part of a road bed.

§ 761.63 PCB household waste storage and disposal.

PCB household waste, as defined at § 761.3, managed in a facility permitted, licensed, or registered by a State to manage municipal or industrial solid waste, or in a facility with an approval to dispose of PCB bulk product waste under § 761.62(c), is not subject to any other requirements of part 761 of this chapter. PCB household waste stored in a unit regulated for storage of PCB waste must not be commingled with PCB waste.

§ 761.64 Disposal of wastes generated as a result of research and development activities authorized under § 761.30(j) and chemical analysis of PCBs.

This section provides disposal requirements for wastes generated during and as a result of research and development authorized under § 761.30(j). This section also provides disposal requirements for wastes generated during the chemical analysis of samples containing PCBs under part 761, including §§ 761.30, 761.60, 761.61, 761.62, and 761.79. For determining the presence of PCBs in samples, chemical analysis includes: sample preparation, sample extraction, extract cleanup, extract concentration, addition of PCB standards, and instrumental analysis.

(a) Portions of samples of a size designated in a chemical extraction and analysis method for PCBs and extracted for purposes of determining the presence of PCBs or concentration of PCBs are unregulated for PCB disposal under this part.

(b) All other wastes generated during these activities are regulated for disposal based on their concentration at the time of disposal as follows:

(1) Liquid wastes, including rinse solvents, must be disposed of according to § 761.61(a)(5)(iv).

(2) Non-liquid wastes must be disposed of in the same manner as non-liquid cleaning materials and personal protective equipment waste according to § 761.61(a)(5)(v)(A).

n. In § 761.65, by revising paragraphs (a), (b) introductory text, (b)(1)(ii), (b)(1)(iv), and by adding paragraph (b)(2); by revising paragraph (c)(1)(iv); by removing the terms "facilities" and "facility" and adding, in their place, the terms "units" and "unit", respectively in paragraph (c)(4), by revising paragraphs (c)(5), (c)(6), (c)(7) introductory text, and (c)(8); by redesignating paragraph (c)(9) as (c)(10) and adding a new paragraph (c)(9); in paragraph (d)(2)(iii) by removing the term "facility" and adding, in its place, the term "unit"; by redesignating paragraph (g)(7) as (g)(8) and by adding new paragraphs (g)(7) and (g)(9); by redesignating paragraph (j) as paragraph (k) and adding a new paragraph (j), to read as follows:

§ 761.65 Storage for disposal.

* * * * *

(a)(1) *Storage limitations.* Any PCB waste shall be disposed of as required by subpart D of this part within 1-year from the date it was determined to be PCB waste and the decision was made to dispose of it. This date is the date of removal from service for disposal and the point at which the 1-year time frame for disposal begins. PCB/radioactive waste removed from service for disposal is exempt from the 1-year time limit provided that the provisions at paragraphs (a)(2)(ii) and (a)(2)(iii) of this section are followed and the waste is managed in accordance with all other applicable Federal, State, and local laws and regulations for the management of radioactive material.

(2) *One-year extension.* Any person storing PCB waste that is subject to the 1-year time limit for storage and disposal in paragraph (a)(1) of this section may provide written notification to the EPA Regional Administrator for the Region in which the PCB waste is stored that their continuing attempts to dispose of or secure disposal for their waste within the 1-year time limit have been unsuccessful. Upon receipt of the notice by the EPA Regional Administrator, the time for disposal is automatically extended for 1 additional year (2 years total) if the following conditions are met:

(i) The notification is received by the EPA Regional Administrator at least 30 days before the initial 1-year time limit expires and the notice identifies the storer, the types, volumes, and locations of the waste and the reasons for failure to meet the initial 1-year time limit.

(ii) A written record documenting all continuing attempts to secure disposal is maintained until the waste is disposed of.

(iii) The written record required by paragraph (a)(2)(ii) of this section is available for inspection or submission if requested by EPA.

(iv) Continuing attempts to secure disposal were initiated within 270 days after the time the waste was first subject to the 1-year time limit requirement, as specified in paragraph (a)(1) of this section. Failure to initiate and continue attempts to secure disposal throughout the total time the waste is in storage shall automatically disqualify the notifier from receiving an automatic extension under this section.

RMRS Rocky Mountain Remediation Services, L.L.C.
. . . protecting the environment
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April 21, 1999

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WOLF, K. Z.	X	
WOLF, H. C.		
HOPKINS, T. A.	X	
LESSER, R. P.	X	
URBAN, D. L.	X	
ADMIN RECORD	X	
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q PARTIAL/OPEN		
q CLOSED		
LTR APPROVALS:		
ORIG. & TYPIST INITIALS:		
RPL:dlu		
RF-46469(Rev.1/99)		

Republic Services Inc. 99-RF-01593
Front Range Landfill
Mark S. Clinker
Manager of Landfill Operations
1830 Weld County Road 5
Erie, CO 80516

CLARIFICATION OF APRIL 7, 1999, NOTIFICATION OF INTENT TO SHIP POLYCHLORINATED BIPHENYL WASTE – TAH-028-99

On April 7, 1999, Rocky Mountain Remediation Services L.L.C. (RMRS) served notice via FAX of our intent to ship for disposal potential Polychlorinated Biphenyl (PCB) bulk product waste to Republic Service Inc.'s Resource Conservation Recovery Act (RCRA) Subtitle D disposal facility located in Erie, CO. This correspondence provides clarifying details concerning that April 7 notice.

In June of 1998, EPA promulgated new regulations under the Toxic Substances Control Act (TSCA) (cf. 40 CFR §§ 761.3 and 761.62). These regulations address the management of certain types of polychlorinated biphenyls (PCBs) that are regarded by the US Environmental Protection Agency as constituting such a low environmental hazard that disposal in Subtitle D facilities is environmentally protective (Federal Register Volume 63, Number 124, Pages 35410 to 35412, dated June 29, 1998).

As part of the Rocky Flats Environmental Technology Site (SITE) deactivation and decommissioning (D&D), non-liquid PCBs in manufactured products at concentrations greater than 50 parts per million (ppm) will be generated. Such "PCB Bulk Product Waste" is likely to be found in construction/demolition waste from virtually any demolition project in Colorado. Importantly, the SITE building demolition waste is no different from the demolition wastes currently being accepted by Republic Services Inc.'s disposal facilities from your other clients. Examples of such 'bulk product wastes' are:

- Applied dried paints, varnishes, waxes, or other similar coatings or sealants, and caulking;
- Plastics, e.g., wire insulation; radio, television, and computer casings; vehicle parts, or furniture laminates, and;
- Non-liquid building demolition debris.

The SITE's bulk product wastes shipped to your facility will be specifically limited to the PCB bulk product materials listed above. The SITE's procedures are designed

to ensure that TSCA regulated materials, which cannot be disposed of at your facility, will not be shipped to your facility.

Specifically, the notification of April 7, 1999 relates to the D&D operations for the Building 779 cluster. D&D for this cluster will proceed with Building 729, and other buildings will continue with completion slated by June 2000. Shipment of these wastes to your facility will be on–going throughout this time.

Federal regulations (40 CFR § 761.62 (b) (4) (i), as typographically corrected by the Environmental Protection Agency on August 25, 1998, (see http://www.epa.gov/pcb/techcor.pdf) require written notification to the disposal facility by the generator at least 15 days in advance of shipping wastes for disposal, as follows:

> *This PCB bulk product waste may include components containing PCBs at ≥ 50 ppm based on analysis of the waste in the shipment or application of a general knowledge of the waste stream (or similar material) which is known to contain PCBs at those levels, and this PCB bulk product waste is known or presumed to leach < 10 µg/L PCBs.*

Selected portions of materials from the Building 779 cluster have been sampled and tested for PCBs, with emphasis on suspected PCB bulk product material areas. Although PCBs have not been detected at any regulated concentration, RMRS cannot warrant that PCB bulk product materials are not present in areas not subjected to sampling and analysis. Copies of these analytical certificates were faxed to Republic on April 20, 1999.

Please contact David Kidd at 303-966-5835 if you have any questions.

David Kidd
Contract Technical Representative

Ted A Hopkins

Ted Hopkins, Manager
Environmental Compliance

RPL:dlu

cc:
Alan Gaddy - Republic Services
Karan North - Kaiser-Hill
Mark Selman - Savant

STATE OF COLORADO

Roy Romer, Governor
Patti Shwayder, Executive Director

Dedicated to protecting and improving the health and environment of the people of Colorado

HAZARDOUS MATERIALS AND WASTE MANAGEMENT DIVISION
http://www.cdphe.state.co.us/hm/

4300 Cherry Creek Dr. S.
Denver, Colorado 80246-1530
Phone (303) 692-3300
Fax (303) 759-5355

222 S. 6th Street, Room 232
Grand Junction, Colorado 81501-2768
Phone (970) 248-7164
Fax (970) 248-7198

Colorado Department
of Public Health
and Environment

December 21, 1998

Mr. Mark Clinker, Site Manager
Republic Services, Inc.
Front Range Landfill
1830 Weld County Road 5
Erie, Colorado 80516-1218

RE: Front Range Landfill - Final Submittal for Approval of the Hazardous Waste Exclusion Program (HWEP), dated November 30, 1998

Dear Mr. Clinker,

On December 8, 1998 the Solid Waste Unit of the Hazardous Materials and Waste Management Division (the Division) received the Final Draft of the HWEP for the Front Range Landfill, dated November 30, 1998. The Division has reviewed the document - along with your December 18, 1998 facsimile - to ensure compliance with the minimum requirements of the Solid Waste Statute (CRS 30-20-109), and the Solid Waste Regulations (the Regulations) promulgated thereunder, 6 CCR 1007-2.

Following such review, the Division is approving the HWEP for use at the Front Range Landfill. In addition, however, the Division has the following suggestions for additional text to make for a more thorough waste detection program:

1: Page 2: The text does not specifically mention a procedure for handling unidentifiable wastes discovered during random inspections. Specifically, employees should be aware of any containers that are not easily classified, such as unmarked 55-gallon drums. A written procedure for handling such situations is recommended - for example, will all such containers be immediately rejected, or will the Front Range Landfill have an appropriately trained individual test the material(s) (TCLP, etc.), then store and dispose of the waste accordingly? Also, it is important to stress that only adequately trained employees should even attempt to open unidentified drums.

2: Page 4: A citation to OSHA 29 CFR 1910.120 should be added to the Employee Training section for clarification, and to ensure that all appropriate training is provided.

3: Page 6: A more detailed list should be included for PCBs. At the least, a list of possible

commercial and industrial sources of PCBs that could be encountered at the landfill site - for example, mineral oil and dielectric fluids, contaminated soils, dredged material, sewage sludge, rags, debris, transformers, electrical equipment and hydraulic machines. As it is doubtful that consumer wastes containing PCBs will be encountered, except perhaps the occasional fluorescent ballast or small capacitor, these may not require listing.

Thanks you for your speedy response to my telephone request for the list of screening questions referred to on page 2 of the HWEP. If you have any questions or concerns regarding the above, please do not hesitate to call me at your convenience at 303-692-3335.

Sincerely,

Brenda Lujan
Environmental Protection Specialist
Solid Waste Management Unit
Hazardous Materials and Waste Management Division

cc: Trevor Jiricek, Weld County Health Department

FILE: SW/WLD/FRL - 3A

WELD COUNTY COLORADO

DEPARTMENT OF HEALTH
1517 16TH AVENUE COURT
GREELEY, CO 80631

ADMINISTRATION (970) 353-0586
HEALTH PROTECTION (970) 353-0635
COMMUNITY HEALTH (970) 353-0639
FAX (970) 356-4966

January 4, 1999

Mark Clinker
Front Range Landfill
1830 Weld County Road 5
Erie, Colorado 80516

Re: Front Range Landfill, Hazardous Waste Exclusion Program

Dear Mr. Clinker:

On behalf of the Town of Erie (the Town), the Weld County Health Department (WCHD) reviewed the Front Range Landfill's (FRL) updated Hazardous Waste Exclusion Program (HWEP). The updated HWEP was dated November 30, 1998. We have also reviewed the supplemental information provided by facsimile on December 23, 1998.

The WCHD approves of the HWEP as submitted. However, as you are aware, the Colorado Department of Public Health and Environment (CDPHE) made several suggestions, in a December 21, 1998 letter, that make for a more thorough program. We recommend that you review the CDPHE's suggestions and incorporate them as appropriate.

If you have any questions, please do not hesitate to call me at (970) 353-0635, extension 2232.
changed: 970-304-6415

Sincerely,

Trevor Jiricek
Supervisor
Environmental Protection Services

TJ/1155

cc: Brenda Lujan, Colorado Department of Public Health and Environment
Dave Stahl, Town of Erie

S.L File

REPUBLIC SERVICES, INC.

Attachmen
Page 4 of
TAH-042-9

November 30, 1998

Trevor Jiricek
Weld County Health Department
1517 16th Ave. Court
Greeley, Colorado 80631

RE: FRONT RANGE LANDFILL- FINAL SUBMITTAL FOR APPROVAL OF THE HAZARDOUS WASTE EXCLUSION PROGRAM (HWEP)

Dear Mr. Jiricek:

In response to your November 3, 1998, letter, please find enclosed the Final Draft of the HWEP for review and approval by CDPHE, Town of Erie and Weld County Health Dept.. This Final Draft incorporates your comments dated May 4, 1998.

As you know, the Front Range Landfill has been following our proposed HWEP as documented in our Quarterly Operational Monitoring Reports, site files and your Department's quarterly site inspections.

If you have any questions with regards to this final submittal or finalization of the Hazardous Waste Information Program (HWIP) please contact Mark Clinker, who will be taking over as Site Manager for Republic Services at (303) 828-9400.

Sincerely,

Steve Derus
Acting Site Manger

Enclosure

cc: Brenda Lujan, CDPHE
Dave Stahl, Town of Erie
Mark Clinker, FRLF

FRONT RANGE LANDFILL
HAZARDOUS WASTE EXCLUSION PROGRAM

Program Purpose

The hazardous waste exclusion program (HWEP) and load-checking procedures are intended to prevent hazardous wastes from entering the Front Range Landfill and comply with Section 2.1.2 of the Regulations Pertaining to Solid Waste Disposal Sites and Facilities 6CCR1007-2. The program is designed to detect hazardous waste entering the Front Range Landfill, identify the transporter delivering the hazardous waste to the landfill, and remove hazardous waste from the waste stream going to the landfill.

Prohibited Materials

The Front Range Landfill is prohibited from accepting hazardous wastes regulated under 6CCR 1007-3, along with friable asbestos, liquid wastes, medical or infectious wastes, septic tank pumpings, municipal waste water treatment plant sludges, fly ash, or bulk dead animals.

A list of prohibited wastes commonly received at municipal waste facilities is attached. This list, included for general guidance, is not intended to include all excluded waste.

Acceptable Wastes

Wastes which can be received include putresible and nonputresible solid wastes including garbage, food and beverage containers, paper, rubbish, ashes, industrial wastes, demolition and construction wastes, vehicle parts, discarded home and industrial appliances (except those which may contain freon or PCB's), manure, vegetable wastes, and wood and green wastes. The site also is required to utilize a Special Waste Acceptance and Review Program for disposal of wastes that need to be insured are non-hazardous.

Public Information

Signs have been posted at the Front Range gate/entrance stating "ABSOLUTELY NO HAZARDOUS MATERIAL, TOXIC SUBSTANCES, SEPTIC, OR LIQUID SLUDGE ACCEPTED".

Information is also contained in handouts made available to facility users. Facility users will be notified that they retain responsibility for any hazardous or other prohibited material detected in their loads. The handout will also provide information regarding the proper disposal of hazardous or other prohibited materials.

Load-Checking Procedures

The load check program includes general questions, to be used as a guide, for site employees to ask facility users regarding the contents of their vehicles, routine examination of waste dumped at the working face or material handling facility, examination of suspicious loads, and detailed inspection of random loads.

Initial Screening

All drivers, entering the landfill will be questioned at the gate regarding the contents of his/her load. The questions asked will depend some what on the type of vehicle and whether the account is a commercial hauler or a residential user. Lists of the questions which may be asked are attached.

Users carrying prohibited materials will be provided information regarding proper disposal of prohibited materials, as appropriate, and either allowed to proceed to dump permitted wastes, if the prohibited wastes can be easily separated (for example, a home owner with several cans of paint along with wood and yard waste) or directed to exit the landfill. If permitted to use the facility, the scalehouse personnel will contact employees (via radio) at the working face to ensure that the prohibited material is not disposed of.

Routine Inspection

Material dumped at the working face will be routinely inspected for the presence of prohibited materials. Equipment operators and spotters have been trained to identify possible prohibited waste containers and will move them out of the disposal area for further examination. If any personnel observe illegal wastes being unloaded, they will halt the unloading operation and summon the operations supervisor or site manager. Any prohibited materials encountered will be removed and transferred to the material handling facility for temporary storage until the waste can be disposed of in an approved manner. The decision regarding proper disposal will be made by the landfill manager.

Random Load Checks and Suspicious Loads

Vehicle load checks will be performed in a similar manner whether they are random checks or checks performed on suspicious loads. Checks on suspicious loads would be determined based on past experience, waste source, visual observations at the gate house, or suspicious behavior of the driver. A minimum of 2 formal load checks will be performed each week using the protocol outlined below. Selection of loads will be on a random basis.

1. The driver will be notified that an inspection of the load is to be performed to determine if prohibited materials are present. If the driver refuses to allow the load check to be performed, the driver will be directed to leave the landfill. The notification will include the reasons why the vehicle was scheduled for a load check (suspicious load or random load), the license number

of the vehicle, the drivers name, if available, and the reason provided, if any, for the driver not allowing the vehicle load to be inspected.

2. The driver will be directed to dump the load at a designated area, either at the working face or in the materials handling building. The load-checking area will be separated from areas where other material is being dumped.

3. The load checker will inspect waste visually or by using a rake or other hand held tools looking for prohibited material. The load may be spread out by on-site heavy equipment used for disposal operations.

4. The vehicle type delivering the load, type of material received, materials found in the load, and the name of the person inspecting the load will be recorded on the attached load check recording form.

5. If no prohibited material is found, the driver will be allowed to leave the facility.

6. If prohibited materials are found during the load check, the driver will be notified that the materials are not accepted at the facility, and that the driver is responsible for removing them from the facility. For small items, such as a can of paint, the material may be taken to the material handling building for storage and proper disposal.

7. If prohibited material is found, the inspector will record the individuals name, company name (if applicable), type of waste found, and amount of waste found. If the material is suspected to pose an immediate danger to employees, facility users, or to the facility, the Mountain View Fire Department and Weld County Health Department will be notified immediately. Telephone numbers for these agencies are as follows:

    - Mountain View Fire Protection District (303) 666-4404 or 911
    - Weld County Health Department (303) 651-0665
    - Colorado Department of Public Health and Environment - Hazardous Materials and Solid Management Div. (303) 692-3300, Radiation Control Division (303) 692-3030 or Environmental Emergency Response (303) 756-4455

8. Prohibited materials found during the load check will be removed by the driver or his company. Front Range Landfill will notify, in writing, any generator who attempts to dispose of unacceptable waste.

9. In the event that a large amount of prohibited material is found in the load, or if the same generator, company or driver makes repeated attempts to dispose of prohibited materials, the Town of Erie and the Weld County Health Department will be notified. More stringent measures, such as civil penalties may be pursued by Front Range Landfill, Weld County Attorney's Office, or the Town Erie.

Prohibited Material Storage

The Front Range Landfill is equipped with a hazardous materials storage area which will be used to temporarily store recovered prohibited materials. The site will utilize Conservation Services Inc. (CSI), a licensed hazardous waste hauler to remove this material on a regular basis depending on the quantity received. The materials will be taken to a permitted disposal facility.

Containment is provided for hazardous waste containers. Adequate security, ventilation, and fire protection will also be provided. Incompatible wastes will be segregated and physically separated including secondary containment.

Employee Training

All facility employees, who may come in contact with hazardous wastes (an example of facility employees who would not be likely to come in contact with prohibited materials would be the office staff), will be required to attend a training program that teaches them how to recognize and handle prohibited materials. This program would include discussion of general and site specific emergency procedures, how to use emergency equipment, how to use site communication equipment, and who to contact in the event prohibited materials are encountered. Annual reviews will be provided and documented.

The load check program and management of hazardous materials will be performed by specially trained personnel who have passed an OSHA approved 24 hour hazardous waste training course.

Record Keeping

Load check records will be maintained in a locked, fire proof file cabinet located in the landfill scalehouse for a period of 18 months. Load check results will be summarized in the quarterly site monitoring report.

Protective Equipment

Employees performing the load check programs will wear protective equipment clothing. Protective and mitigation equipment will be maintained at the facility including gloves, boots, dust masks, brooms, shovels, absorbents, and first aid supplies for use in an emergency.

Emergency Response Coordination with Government Agencies

Maps of the facility showing where hazardous materials are stored, ingress and egress roads, and planned evacuation routes have been shown to the Mountain View Fire Protection District and the Weld County Health Department. A list of people to be notified in the event of an emergency, along with their home telephone numbers, is maintained in the facility administrative offices, scalehouse and by the site private security company. The list of people to be notified includes the Republic Services Director at Landfill Operations, the Landfill Manager, Emergency evacuation map and copies are posted in all buildings.

Program Review

The load check program will be reviewed annually by Republic Services Corporate Engineering Staff, to determine its effectiveness and, if appropriate, to revise the program to make it more effective.

Common Prohibitive Wastes

Automotive Products
- Batteries
- Coolant
- Lubricating Oils
- Degreasers
- Fuels

Demolition Debris (Friable Asbestos)
- Pipe or Duct Insulation

Glues and Solvents

Household Cleaners and Related Products
- Cleaners
- Drain Openers
- Polishes and Waxes
- Liquid Wastes (any)

Miscellaneous Household
- Batteries
- Smoke Detectors

Medical or Infectious Waste
- Syringes (needles)
- Blood

Fly Ash

Bulk Dead Animals

PCB's

Pressurized Tanks
- Propane Bottles
- Compressed Air Tanks
- Welding gases

Paints and related products
- Solvent-based paints
- Water Based Paints
- Oil-Based Paints
- Shellac
- Varnish
- Stains
- Thinner
- Paint Removers

Pesticides
- Insecticides
- Fungicides
- Rodenticides
- Herbicides

Pool Chemicals
- Acids
- Chlorine
- Bromine

Sludges
- Municipal

Wood Treatment Products
- Creosote
- Preservatives

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- Rodenticides
- Herbicides

Pool Chemicals
- Acids
- Chlorine
- Bromine

Sludges
- Municipal

Wood Treatment Products
- Creosote
- Preservatives

Proposed wording

PCB's - not otherwise authorized by law

22/22