

PCB Approval Decision and Response to Public Comments

**Republic Services, Inc.
Robstown, Texas
U.S. EPA ID: TXD069452340**



**Issued by
U.S. Environmental Protection Agency, Region 6
Dallas, Texas**

September 27, 2024

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1. Executive Summary

The U.S. Environmental Protection Agency, Region 6 (EPA or Agency) is renewing and modifying a Toxic Substances Control Act (TSCA) approval issued to US Ecology Texas (USET), Inc. – now Republic Services, as the facility operator, to continue to operate a commercial polychlorinated biphenyl (PCB) storage facility (Approval).

The Approval is being issued pursuant to 40 C.F.R. Part 761, which was promulgated under Section 6(e)(1) of TSCA of 1976, 15 U.S.C. § 2605 (e)(1), including any amendments or revisions thereto. Under TSCA, the action being proposed is known as an “Approval.” A TSCA Approval is essentially a permit; EPA follows a similar administrative process for Approval issuance, renewal, and modification as a permit. The Approval renews authorization of PCB storage in designated storage areas and also authorizes an additional PCB storage area at the Facility.

The USET facility is located at 3277 County Road, PO Box 307, 78380 in Robstown, Texas (Facility). This PCB Approval Decision and Response to Public Comments document explains and provides EPA’s rationale for issuing the Approval. This document also responds to public comments EPA received on the *Proposed Re-Authorization Approval for Commercial Storage of Polychlorinated Biphenyls, US Ecology Texas, Inc., at Robstown, Texas*, dated February 12, 2024 (Proposed Approval), and the *PCB Commercial Storage Conditions of Approval US Ecology Texas, Inc., Robstown, Texas*, dated September 27, 2024 (Conditions of Approval). The Conditions of Approval, section IV.L. Statement in Compliance with 40 CFR 761.65 (d)(4)(i), supported EPA’s Proposed Approval for Republic Services, to manage PCB wastes at the Facility.

EPA’s Proposed Approval was subject to an initial 45-day public comment period that began on February 12, 2024, and ended on March 28, 2024. On March 21, 2024, EPA conducted an informational public meeting for the Proposed Approval. Based on feedback from the community during this informational public meeting, EPA extended the public comment period until April 28, 2024. EPA received two comments including a request for a public hearing. A Public Hearing was held by EPA on June 20, 2024. The comments received and EPA’s responses are in Section 4, below.

USET is currently operating under an approval to manage PCB wastes issued by EPA in 2018. The Facility submitted an application to renew the 2018 approval prior to its expiration on April 30, 2023. USET’s Applications, dated January 16 and 30, 2023, and subsequent documents submitted seeking a new storage area authorization and renewal of existing storage area superseded all earlier applications and serves as the basis for this Approval. Five extensions to the approval have been granted during the review process. The current extension was granted on August 30, 2024, extending the current approval for operation of

the commercial storage facility until September 27, 2024.

EPA has concluded, based upon its review of the Renewal Application, supporting documents, and the public comments, that the Approval satisfies the requirements of TSCA and 40 C.F.R. Part 761 for storage of PCBs. EPA has also concluded that PCB operations at the Facility do not pose an unreasonable risk of injury to human health or the environment.

In addition to TSCA and the regulations at 40 C.F.R. § 761.65, EPA's issuance of the Approval is consistent with Section 106 of the National Historic Preservation Act (NHPA), Environmental Justice per Presidential Executive Order 12898, and Section 7 of the Endangered Species Act (ESA). EPA's review of the PCB storage applications, in line with NHPA Section 106, determined only the amount of PCB waste stored onsite would be altered however would not change the footprint of any involved areas and will have no effect on historic properties. Subsequently, in line with ESA Section 7, the change in PCB storage activities does not constitute a substantive change in terms of potential to impact protected species and will have no effect on threatened or endangered species. EPA has evaluated the Renewal Application and its supporting documents along with the public comments and determined that the issuance of a TSCA Approval for the Facility is in compliance with these other requirements.

2. Introduction

The Facility is located in Texas approximately four miles south of Robstown, Nueces County, on Petronila Road, also known as County Road 69. The facility's total area is 473 acres, which is divided into an eastern portion (159 acres), a northwest portion (233 acres), and a western portion (81 acres). Hazardous waste operations at the facility are overseen by the Texas Commission on Environmental Quality (TCEQ). PCB storage and processing is overseen by EPA.

This document sets forth the basis for EPA's issuance of a TSCA Approval for the Facility to store and process PCBs. It contains a table showing the units being approved for PCB storage at the Facility, the public comments EPA received on the Proposed Approval and EPA's response to those comments.

3. Units Approved for PCB Storage

The Approval authorizes USET to store PCBs at the Facility as described in the table below:

Approved PCB Units and Maximum Capacities

Unit Name	Maximum Unit Storage Capacity	Maximum Permitted Storage Capacity for the Facility
Controlled Parking/Storage Building II Bay C (West Side)	253 cubic yards (51,040 gallons)	518 cubic yards (104,500 gallons)
Drum Processing Building	265 cubic yards (53,460 gallons)	

The Approval authorizes USET to store PCBs at the Facility in the units and at the maximum capacities shown in the table. Pursuant with 40 C.F.R. 761.65(d)(4)(i), USET possesses the capacity to handle the quantity of PCB waste to be stored onsite at the facility. The Conditions of Approval contains storage unit dimensions, secondary containment calculations, and drawings produced by an independent Professional Engineer that were used by EPA to make a final determination. The volume of PCBs stored within each unit shall not exceed either the maximum unit design storage capacity or the maximum permitted storage capacity for the Facility, whichever is less. For additional information on the units being approved for PCB storage, see the Conditions of Approval, dated September 27, 2024.

4. Approval Decision and Public Comments

This section discusses the public comments EPA received on the Proposed Approval and EPA's response to the comments.

4.1. Public Participation

On February 12, 2024, EPA began a 45-day public comment period during which it solicited comments on its Proposed Approval and its determination that historic properties will not be affected by the issuance of the Approval to the Facility. On March 21, 2024, EPA conducted an informational public meeting for the Proposed Approval. As an outcome of the informational public meeting, EPA extended the comment period an extra 31-days. The public comment period closed on April 28, 2024.

Twenty-two people attended the informational public meeting held on March 21, 2024. The meeting served to provide the basic information on PCB, impact of PCB on human health, PCB regulations, and the approval process.

EPA received two written comments, via email, on the Proposed Approval, requesting a public hearing, which was held on June 20, 2024. An EPA hearing officer recorded the hearing and prepared a transcript of the presiding officer's statement.

EPA is issuing a TSCA Approval for the Facility based on its review of the applications, supplemental documents, and public input. The Administrative Records contains the documents and information that EPA considered in making this final decision to issue the Approval. The Administrative Records can be found at <https://www.epa.gov/pcbs/epa-region-6-polychlorinated-biphenyls>.

The Agency considered the eight public comments it received before making its final decision. Based on all the information available to date, EPA believes that the PCB storage authorized by this Approval satisfies the requirements of TSCA and 40 C.F.R. Part 761 for storage of PCBs for disposal. In addition, based on review of all application materials along with applicable law and regulation, EPA has also concluded that PCB operations at the Facility do not pose an unreasonable risk of injury to human health or the environment.

Community members may also call the EPA R6 PCB Coordinator, Harry Shah, at (214) 665-6457 or shah.harry@epa.gov, for additional assistance in obtaining copies of pertinent documents.

4.2. Public Comments on the Proposed Approval

The eight public comments along with EPA responses are included below. The first two comments were submitted by community members via email during the extended public comment period which ended on April 28, 2024, and the other comments were given orally at the public hearing held on June 20, 2024.

Comment 1: Ms. Elida Castillo, a community member, submitted an email comment on the proposed permit, which stated the following:

“We would like to formally request that a public hearing be held for Re-authorization Approval for Commercial Storage of Polychlorinated Biphenyls at US Ecology Texas, Inc., Robstown, Texas. During the informational meeting, it was stated that US Ecology would like to renew and increase its ability to store PCBs. Citizens have expressed concerns about US Ecology's operations, and it is only right that they express these to the Environmental Protection Agency, the same agency that is supposed to protect public health and our environment.”

Response to Comment 1: In response to the written comment above, EPA announced and held a virtual public hearing on June 20, 2024.

Comment 2: Ms. Alma Studer, community member, submitted a comment via email, which stated the following:

“Please reconsider US Ecology Texas' request regarding the storage of PCBs. There is documented evidence regarding PCB effects on people. The area is close to the city of Robstown, Texas. In my opinion US Ecology Texas as well as other companies know the residents in the area are poor. Our local Economic Development entities continue to support companies like this for profit alone. They do not care about the residents. If they did, local residents would have had an opportunity to vote. Instead just like the proposed Ammonia Plant they sneak it in under the radar onto areas that are referred to as ETJ so no city has jurisdiction and can and do claim they have nothing to do with it. The reality is our sales taxes are actually supporting the companies the residents do not want in their neighborhood through the Economic Development Corporations whose members are appointed and not voted for. The state of Texas is business driven. They don't really care about the citizens. That is why they are still pushing water thirsty companies into Nueces county even though we are at 28% water level - the lowest in recorded history going into the summer months. We have been under drought water restrictions for almost 2 years and it is only getting worse. Take a look at the current chaos. The city of Robstown has not completed an audit since 2020. The Robstown Area Development Commission who is funded by the Port of Corpus Christi as well as the Nueces County Commissioners and side by side with the Corpus Christi Regional Economic Development Corporation has not filed a tax return with the IRS since 2020, This just made the local news. The Robstown Development Improvement Corporation has been receiving tax revenue 4B funds but has not been active since 2021. During a recent Robstown City Council Meeting they mentioned getting a loan so they could pay the Robstown Area Economic Commission \$50,000/month. The Nueces County Commissioners Court is intentionally not transparent in who sits on their Boards. That is why County Commissioner Marez sits on both The Robstown Area Development Commission, Robstown Development Improvement Corporation, Port of Corpus Christi, South Texas Water District and probably more. You can't tell because the county will not list the board members for the 38 boards. He is also in business for himself advising government and private entities. When I worked for the Department of Army as a civilian I learned that the Corpus Christi Army Depot had to purchase new transformers when they relocated whirl tower #1 in the late 1980's because the original ones had PCBs so they stayed in Pennsylvania and not brought to Texas. That was over 35 years ago and we took PCBs seriously back then. If you really want to know about what really went on at US Ecology Texas and likely still is - go find and get notarized statements from previous employees. Ask the company for a list of all previous employees. Do not tell them why - just do it and complete your own investigation. I am now retired. However, a younger engineer I worked with married a young lady who had worked at US Ecology Texas. She left for a reason that dealt with what the company was doing. If memory serves me right it dealt with the records. She was hired by a different company who really cares for their people and the environment. They now have three beautiful children and she still works for the other company. There is a bigger picture. The poor residents will be forced to deal with pollutants because companies will continue to use the economic development corporations to take up shop with the least amount of local resistance.”

Response to Comment 2: EPA’s review of the application is pursuant to the regulations at 40 C.F.R. 761.65 (“Storage for Disposal”), which set forth requirements for the storage for disposal of PCBs at concentrations of 50 ppm or greater and PCB Items with PCB concentrations of 50 ppm or greater. These rules set standards for the duration of PCB storage, location, and construction standards for PCB storage areas, restrictions on which types of PCBs and PCB items may be stored, minimum requirements for labeling, signage, and monitoring of PCB storage areas, demonstrations of financial responsibility, and closure requirements, among other criteria. When reviewing applications for approvals to store or dispose of PCBs, the EPA must base its review on these rules.

To authorize storage for disposal of PCBs, EPA must determine that the applicant has satisfied 40 C.F.R. 761.65(d)(i) through (d)(ii)(7), which include a finding that “operation of the storage facility will not pose an unreasonable risk of injury to health or the environment.”

Local economic incentives, tax compliance, and regional drought levels are not encompassed by 40 C.F.R. 761 or any relevant portions of TSCA, and EPA did not consider such factors in its decision-making.

As part of the review process, EPA evaluated EJScreen reports at 1-, 3-, and 5-mile radiuses and used the data to assist with public outreach and development of the PCB permit. More information on Environmental Justice and the EJScreen Tool may be found at <https://www.epa.gov/environmentaljustice>. The EJScreen reports used by EPA Region 6 may be found at <https://www.epa.gov/pcbs/republic-services-llc-robstown-texas>.

EPA included in the draft approval and with this issuance and is including in the final approval three conditions pertaining to environmental justice:

1) *Condition to modify, revoke and reissue, or terminate the Approval.* EPA reserves the right to modify (including by imposing additional conditions), revoke and reissue, or terminate this Approval when any of the following circumstances exist: a) EPA has reason to believe the approved activities are not achieving the relevant standards or goals or otherwise are not in compliance with the Approval, b) EPA has reason to believe the approved activities present or may present an unreasonable risk of injury to health or the environment, c) EPA becomes aware of new or previously undisclosed information that may substantively impact its previous finding of no unreasonable risk and require modifications to this Approval, or d) EPA issues new regulations

or standards that impact conditions of this Approval.

2) *Condition to require additional information.* When any of the circumstances described above exist, EPA reserves the right to require the facility to provide additional information relevant to the Agency's determination whether to modify, revoke and reissue, or terminate the Approval. This may include information to inform EPA's finding that the approved activity does not present an unreasonable risk of injury to health or the environment, such as information related to the risks or impacts of the activity on surrounding communities and communities with environmental justice concerns, including those related to climate change and cumulative impacts of environmental and other burdens.

3) *Condition to provide additional information.* If the facility becomes aware of new or previously undisclosed information that may substantively impact EPA's previous finding that approved activities do not present an unreasonable risk of injury to health or the environment, the facility must provide that information to the Agency as soon as possible but no later than 30-days. This may include information related to the risks or impacts of the approved activity on surrounding communities and communities with environmental justice concerns, including those related to climate change and cumulative impacts of environmental and other burdens.

Comment 3: Ms. Bette Cranford, community member, submitted a verbal comment at the virtual public hearing, which stated the following:

“Good evening. My name is Bette Cranford. I’m with Concerned Citizens, Robstown and McAllen area. PCBs were banned in 1979 and are known cancer-causing agents. For years the colonias near US Ecology/Republic Services have experienced high rates of cancer and other medical issues. There are no air or water monitors in that area. When TCEQ held a meeting here, the gentleman kept asking US Ecology who sampled the soil in the ditch that runs downstream from the plant. He never received an answer. I personally am awaiting an answer to that question, which I suspect I’ll never receive. Robstown and the surrounding areas are turning into a dumping ground for hazardous waste and environmental pollutants. The amount of waste stored from industries mostly go to US Ecology or areas south of San Antonio. We do not need to expose our citizens to additional hazardous materials. PCBs have been demonstrated to cause a variety of adverse health effects. They’ve been shown to cause cancer in animals as well as humans: effects on the immune system, reproductive system, nervous system, endocrine system, and other health effects. Studies on humans support evidence of potential carcinogenic and non-carcinogenic effects of PCBs. It’s finally time for

someone to step up and limit the citizens' exposure, especially to PCBs. I feel compelled to make sure all organizations such as yours that are supposed to protect the citizens from the dangers understand the consequences of non-action by allowing hazardous waste of any kind to be stored near communities. Yes, it's a deprived area, but those are the people that need your help the most. Are they facing a type of environmental genocide? In that unless someone takes responsibility and protects the community and cleans up the community, we will continue to see another generation faced with the same chronic diseases and death as their parents and grandparents. You must start looking at what is called a sacrifice zone where residents who live near a vicinity are sacrificed for the sake of industry. I respectfully request that you do not permit to store extra PCBs there. Thank you."

Response to Comment 3: EPA's review of the application is pursuant to the regulations at 40 C.F.R. 761.65 ("Storage for Disposal"), which set forth requirements for the storage for disposal of PCBs at concentrations of 50 ppm or greater and PCB Items with PCB concentrations of 50 ppm or greater. These rules address limitation on the duration of PCB storage, location, and construction standards for PCB storage areas, restrictions on which types of PCBs and PCB items may be stored, minimum requirements for labeling, signage, and monitoring of PCB storage areas, demonstrations of financial responsibility, and closure requirements, among other criteria. When reviewing applications for approvals to store or dispose of PCBs, the EPA must base its review on these rules.

The Facility must meet requirements at 40 CFR 761.65, which are designed to ensure there is no unreasonable risk to health or the environment. 40 CFR 761.65(b) requires all facilities to have adequate roofing and walls to prevent precipitation from reaching storage areas, adequate flooring and curbing with sufficient containment volume, no drains or other openings that would allow liquids to flow from curbed areas, floors and curbing constructed with portland cement, concrete, or a continuous, smooth, non-porous surface as defined at § 761.3, which prevents or minimizes penetration of PCBs, and must not be located at a site below the 100-year flood plain elevation.

To authorize storage for disposal of PCBs, EPA must determine that the applicant has satisfied 40 C.F.R. 761.65(d)(i) through (d)(ii)(7), which include a finding that "operation of the storage facility will not pose an unreasonable risk of injury to health or the environment."

In addition, both storage buildings have been certified by a professional engineer and are designed to meet slope and containment specifications to prevent external release from the buildings.

As part of the review process, EPA evaluated EJScreen reports at 1-, 3-, and 5-mile radiuses and used the data to assist with public outreach and development of the PCB permit. More information on Environmental Justice and the EJScreen Tool may be found at <https://www.epa.gov/environmentaljustice> . The EJScreen reports used by EPA Region 6 may be found at <https://www.epa.gov/pcbs/republic-services-llc-robstown-texas>.

EPA included in the draft approval and with this issuance is including in the final approval three conditions pertaining to environmental justice:

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- 2) *Condition to require additional information.* When any of the circumstances described above exist, EPA reserves the right to require the facility to provide additional information relevant to the Agency's determination whether to modify, revoke and reissue, or terminate the Approval. This may include information to inform EPA's finding that the approved activity does not present an unreasonable risk of injury to health or the environment, such as information related to the risks or impacts of the activity on surrounding communities and communities with environmental justice concerns, including those related to climate change and cumulative impacts of environmental and other burdens.
- 3) *Condition to provide additional information.* If the facility becomes aware of new or previously undisclosed information that may substantively impact EPA's previous finding that approved activities do not present an unreasonable risk of injury to health or the environment, the facility must provide that information to the Agency as soon as possible but no later than 30-days. This may include information related to the risks or impacts of the approved activity on surrounding communities and communities with environmental justice concerns, including those related to climate change and cumulative impacts of environmental and other burdens.

After reviewing the application for storage reauthorization, EPA concludes that the Facility meets all the applicable requirements described above and that storage will not present an unreasonable risk to health or the environment. EPA's review of Facility maps and other relevant application materials does not indicate any pathway for any potential release in the authorized PCB storage area to migrate to the ditch referenced in this comment.

Although the referenced ditch, Nueces County Ditch No. 1, is unrelated to the PCB storage approval and is outside the scope of this proceeding, EPA notes that it has reviewed historical records and is coordinating with TCEQ to ensure concerns are addressed. Members of the public interested in learning more about EPA's coordination with the TCEQ regarding the referenced ditch may contact Sunita Baniya at (214) 665-7121 or baniya.sunita@epa.gov.

Though beyond the requirements of this PCB storage Approval, EPA notes that air monitoring sample collection/reporting is conducted on a semiannual basis under the TCEQ Hazardous Waste Permit No. 50052, dated January 26, 2018. Four sampling points are selected on each boundary of the active portion of the USET facility. Samples are collected over a normal 8/hour shift of operations for three days (Monday, Wednesday, and Friday) to ensure a representative week of operations. Reports are submitted to the TCEQ Region 14 offices and may be obtained making a public information request with the TCEQ, <https://www.tceq.texas.gov/agency/data/records-services/reqinfo.html>.

Though beyond the requirements of this PCB storage Approval, EPA notes that groundwater monitoring wells are in place at the USET facility and are subject to the regulatory regulations of 30 TAC Sections 335.156 – 335.167 (regarding applicability of groundwater monitoring programs and corrective action requirements). An annual summary to include the groundwater quality data and groundwater flow rate and direction may be obtained making a public information request with the TCEQ, <https://www.tceq.texas.gov/agency/data/records-services/reqinfo.html>.

Comment 4: Ms. Myra Alaniz, community member, submitted a verbal comment at the virtual public hearing, which stated the following:

“My name is Myra Alaniz and I live in Robstown, Texas, and I have a few comments too to say. One is the fact that we're even having a hearing to permit alludes to the EPA considering the permit and not doing what is best for our citizens. This permit is taking PBCs waste from other areas in an effort to minimize their contamination. However, in that process, you were bringing it into our community, and we are in direct contact with high carcinogenic poison. There is currently that I know of no safety measures in place such as testing water and air monitors. Plus, the delivery of these PBCs (*sic*) into our community also presents another safety issue with trains and truck accidents happening frequently. Why is our community being sacrificed? Why is the thought of adding more carcinogens into a large, already polluted area being considered? This is simply environmental discrimination of our poor and largely unrepresentative community of Petronila and Robertson. With the contaminants that already exist on this site coupled

with the additional industries supposed to be built and emit regular releases of carcinogenic emissions, our community is being attacked at all levels. Why is our community being attacked? EPA is obligated to protect our environment. And I'm not sure why we are not being protected. We have enough refineries, poison, dump sites in our community that we need your protection and I respectfully request that you deny this permit for additional poisons to be in our community. We are already getting a huge number of industrial ammonia hydrogen plants coming in our community. So, the cumulative factor of all these things together is enough poison to change and cause us detrimental health issues. So please consider doing the right thing in protecting our citizens from the additional poison. Thank you."

Response to Comment 4: EPA's review of the application is pursuant to the regulations at 40 C.F.R. 761.65 ("Storage for Disposal"), which set forth requirements for the storage for disposal of PCBs at concentrations of 50 ppm or greater and PCB Items with PCB concentrations of 50 ppm or greater. These rules address limitation on the duration of PCB storage, location and construction standards for PCB storage areas, restrictions on which types of PCBs and PCB items may be stored, minimum requirements for labeling, signage, and monitoring of PCB storage areas, demonstrations of financial responsibility, and closure requirements, among other criteria. When reviewing applications for approvals to store or dispose of PCBs, the EPA must base its review on these rules.

The Facility must meet requirements at 40 CFR 761.65, which are designed to ensure there is no unreasonable risk to health or the environment. 40 CFR 761.65(b) requires all facilities to have adequate roofing and walls to prevent precipitation from reaching storage areas, adequate flooring and curbing with sufficient containment volume, no drains or other openings that would allow liquids to flow from curbed areas, floors and curbing constructed with portland cement, concrete, or a continuous, smooth, non-porous surface as defined at § 761.3, which prevents or minimizes penetration of PCBs, and must not be located at a site below the 100-year flood plain elevation.

In addition, both storage buildings have also been certified by a professional engineer and designed to meet slope and containment specifications to prevent external release from the buildings.

To authorize storage for disposal of PCBs, EPA must determine that the applicant has satisfied 40 C.F.R. 761.65(d)(i) through (d)(ii)(7), which include a finding that "operation of the storage facility will not pose an unreasonable risk of injury to health or the environment."

As part of the review process, EPA evaluated EJScreen reports at 1-, 3-, and 5-mile radiuses and used the data to assist with public outreach and development of the PCB permit. More information on Environmental Justice and the EJScreen Tool may be found at <https://www.epa.gov/environmentaljustice> . The EJScreen reports used by EPA Region 6 may be found at <https://www.epa.gov/pcbs/republic-services-llc-robstown-texas>.

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- 1) *Condition to modify, revoke and reissue, or terminate the Approval.* EPA reserves the right to modify (including by imposing additional conditions), revoke and reissue, or terminate this Approval when any of the following circumstances exist: a) EPA has reason to believe the approved activities are not achieving the relevant standards or goals or otherwise are not in compliance with the Approval, b) EPA has reason to believe the approved activities present or may present an unreasonable risk of injury to health or the environment, c) EPA becomes aware of new or previously undisclosed information that may substantively impact its previous finding of no unreasonable risk and require modifications to this Approval, or d) EPA issues new regulations or standards that impact conditions of this Approval.
- 2) *Condition to require additional information.* When any of the circumstances described above exist, EPA reserves the right to require the facility to provide additional information relevant to the Agency's determination whether to modify, revoke and reissue, or terminate the Approval. This may include information to inform EPA's finding that the approved activity does not present an unreasonable risk of injury to health or the environment, such as information related to the risks or impacts of the activity on surrounding communities and communities with environmental justice concerns, including those related to climate change and cumulative impacts of environmental and other burdens.
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After reviewing the application for storage reauthorization, EPA concludes that the Facility meets all the applicable requirements described above and that storage will not

present an unreasonable risk to health or the environment. EPA's review of Facility maps and other relevant application materials does not indicate any pathway for any potential release in the authorized PCB storage area to migrate to the ditch referenced in this comment.

Although the referenced ditch, Nueces County Ditch No. 1, is unrelated to the PCB storage approval and outside the scope of this proceeding, EPA has reviewed historical records and is coordinating with TCEQ to ensure all concerns are addressed. Members of the public interested in learning more about EPA's coordination with the TCEQ regarding the referenced ditch may contact Sunita Baniya at (214) 665-7121 or baniya.sunita@epa.gov.

Air monitoring sample collection/reporting, as mentioned in TCEQ Hazardous Waste Permit No. 50052, dated January 26, 2018, is conducted on a semiannual basis. Four sampling points are selected on each boundary of the active portion of the USET facility. Samples are collected over a normal 8/hour shift of operations for three days (Monday, Wednesday, and Friday) to ensure a representative week of operations. Reports are submitted to the TCEQ Region 14 offices and may be obtained making a public information request with the TCEQ,

<https://www.tceq.texas.gov/agency/data/records-services/reqinfo.html>.

Groundwater monitoring wells are in place at the USET facility and are subject to the regulatory regulations of 30 TAC Sections 335.156 – 335.167 (regarding applicability of groundwater monitoring programs and corrective action requirements). An annual summary to include the groundwater quality data and groundwater flow rate and direction may be obtained making a public information request with the TCEQ,

<https://www.tceq.texas.gov/agency/data/records-services/reqinfo.html>.

Comment 5: Ms. Marie Lucio, community member, submitted a verbal comment at the virtual public hearing, which stated the following:

“Oh, my goodness, okay. This is new to me. It's a new computer, so it was... it was a struggle. But thank you for giving me the time and working with me to get my comment in there. You know, I went to the last EPA meeting that was in Petronila and I learned a lot about this. I went back and I looked; I did not know we have PCBs in our area. However, what I did notice was that the storage capacity for Republic Services was not to capacity. So, I couldn't understand why they would want a bigger storage capacity. Now, I feel we shouldn't have to have a bigger storage capacity if they're not at capacity. If they do get an influx of PCBs coming into their storage facility, then they need to manage it better and get it out. What I have learned is that, I've been reading

about it; I know there is the Stockholm Convention Group who's trying to eradicate all PCBs by 2028 and of course they're behind on that. Of course, because I also found out that there's chlorinated solvents which are used in chemical manufacturing which are a major source of PCBs, which I'm assuming that is why they're wanting a bigger capacity because we do have industry coming into our area. However, it should be managed better. We shouldn't have to live with it here. The last time, also in Petronila we had a gentleman, Mr. Lopez, talk about a ditch that he wanted to know who cleans it. And now, you know, it has come to my attention, and you know what, you know, we want to know who cleans the ditch. Who monitors the air and who monitors the water here? Do they, you know, do that for them, you know, in their area as a, you know. Do they see if they're leaking any, you know, anything, PCBs or otherwise, into our environment? The representatives that were there, you know, didn't know what, you know, this gentleman was saying about a ditch. Well, when I went out there, this ditch is actually County Road 30 and it has two small ditches that runs along it, runs along this little road, that runs next to Republic Services and in between them and the landfill that's right next to them. Now this little county road's ditches run into a larger drainage ditch. And that is what he was trying to explain. So now, you know, seeing as, you know, I'm trying to find out more about this, you know, because of what's coming into our area, we would, you know; we wonder what is going into these ditches and why is this gentleman concerned that there are more cancer in his area. Because if this ditch which is getting the drainage from these two, you know, the landfill and Republic Services which was US Ecology, which gets these, you know, cancer causing contaminants, you know, transported here, and stored. You know, is this, you know, when it rains like it rained today, excessively; did this run-off go into that ditch and run into the big ditch and run down, you know, the drainage ditch to, you know, a larger area? That is my concern and that's why I feel they don't, if it's going to be renewed, you know, it has been there all this time, we haven't, you know, known about it. However, there are issues that, you know, people are worried about. So, you know, I just want to make sure that the EPA as you know, y'all are the Environmental Protection Agency for us. You know, I just want to make sure that you all are aware, you know, maybe this is an issue and maybe these PCBs, you know, or any other chemicals are getting out there. And there is, you know, there is a concern not only for the gentleman that I met, but also, you know, for you know for me now because you don't know what's getting out there. Is the air being monitored? Is the water being monitored? Is the area around these, you know, facilities that are storing these cancer-causing chemicals being monitored? You know, do they do the monitoring? You know, how often do they do the monitoring or is it just not being monitored at all? You know, and I just want to say that, you know, that's my concern and I wanted to come on here and just let y'all know, you know, that there, you know, Mr. Lopez, there was a ditch and I had never realized that there was a ditch until I went out there and I actually, you know, looked for it and tried to figure out what he was trying to say. And it does run along this

place and if it does drain into that big drain which I know goes behind them and connects to these little ditches, you know, it is it is a concern to me and probably a concern to a lot more people if they knew, that, you know, that's what may be happening. So that's all I wanted to say, you know, I just wish, you know, they would be managed better. I don't think they should be stored here for a very long time. They need to manage it where they come in and come out. I know they go get taken somewhere else to be disposed of, so why do we have to be the, you know, storage facility? If they're being disposed of then they need to be disposed of in a timely manner and not be stored here for large amounts of times, okay? And that was it. Thank you and I thank you for your time and, you know, listening to our/my concerns.”

Response to Comment 5: EPA’s review of the application is pursuant to the regulations at 40 C.F.R. 761.65 (“Storage for Disposal”), which set forth requirements for the storage for disposal of PCBs at concentrations of 50 ppm or greater and PCB Items with PCB concentrations of 50 ppm or greater. These rules address limitation on the duration of PCB storage, location and construction standards for PCB storage areas, restrictions on which types of PCBs and PCB items may be stored, minimum requirements for labeling, signage, and monitoring of PCB storage areas, demonstrations of financial responsibility, and closure requirements, among other criteria. When reviewing applications for approvals to store or dispose of PCBs, the EPA must base its review on these rules.

The Facility must meet requirements at 40 CFR 761.65, which are designed to ensure there is no unreasonable risk to health or the environment. 40 CFR 761.65(b) requires all facilities to have adequate roofing and walls to prevent precipitation from reaching storage areas, adequate flooring and curbing with sufficient containment volume, no drains or other openings that would allow liquids to flow from curbed areas, floors and curbing constructed with portland cement, concrete, or a continuous, smooth, non-porous surface as defined at § 761.3, which prevents or minimizes penetration of PCBs, and must not be located at a site below the 100-year flood plain elevation.

In addition, both storage buildings have also been certified by a professional engineer and designed to meet slope and containment specifications to prevent external release from the buildings.

To authorize storage for disposal of PCBs, EPA must determine that the applicant has satisfied 40 C.F.R. 761.65(d)(i) through (d)(ii)(7), which include a finding that “operation of the storage facility will not pose an unreasonable risk of injury to health or the environment.”

As part of the review process, EPA evaluated EJScreen reports at 1-, 3-, and 5-mile radiuses and used the data to assist with public outreach and development of the PCB permit. More information on Environmental Justice and the EJScreen Tool may be found at <https://www.epa.gov/environmentaljustice> . The EJScreen reports used by EPA Region 6 may be found at <https://www.epa.gov/pcbs/republic-services-llc-robstown-texas>.

EPA included in the draft approval and with this issuance is including in the final approval three conditions pertaining to environmental justice:

- 1) *Condition to modify, revoke and reissue, or terminate the Approval.* EPA reserves the right to modify (including by imposing additional conditions), revoke and reissue, or terminate this Approval when any of the following circumstances exist: a) EPA has reason to believe the approved activities are not achieving the relevant standards or goals or otherwise are not in compliance with the Approval, b) EPA has reason to believe the approved activities present or may present an unreasonable risk of injury to health or the environment, c) EPA becomes aware of new or previously undisclosed information that may substantively impact its previous finding of no unreasonable risk and require modifications to this Approval, or d) EPA issues new regulations or standards that impact conditions of this Approval.
- 2) *Condition to require additional information.* When any of the circumstances described above exist, EPA reserves the right to require the facility to provide additional information relevant to the Agency's determination whether to modify, revoke and reissue, or terminate the Approval. This may include information to inform EPA's finding that the approved activity does not present an unreasonable risk of injury to health or the environment, such as information related to the risks or impacts of the activity on surrounding communities and communities with environmental justice concerns, including those related to climate change and cumulative impacts of environmental and other burdens.
- 3) *Condition to provide additional information.* If the facility becomes aware of new or previously undisclosed information that may substantively impact EPA's previous finding that approved activities do not present an unreasonable risk of injury to health or the environment, the facility must provide that information to the Agency as soon as possible but no later than 30-days. This may include information related to the risks or impacts of the approved activity on surrounding communities and communities with environmental justice concerns, including those related to climate change and cumulative impacts of environmental and other burdens.

After reviewing the application for storage reauthorization, EPA concludes that the

Facility meets all the applicable requirements described above and that storage will not present an unreasonable risk to health or the environment. EPA's review of Facility maps and other relevant application materials does not indicate any pathway for any potential release in the authorized PCB storage area to migrate to the ditch referenced in this comment.

Although the referenced ditch, Nueces County Ditch No. 1, is unrelated to the PCB storage approval and outside the scope of this proceeding, EPA has reviewed historical records and is coordinating with TCEQ to ensure all concerns are addressed. Members of the public interested in learning more about EPA's coordination with the TCEQ regarding the referenced ditch may contact Sunita Baniya at (214) 665-7121 or baniya.sunita@epa.gov.

Air monitoring sample collection/reporting, as mentioned in TCEQ Hazardous Waste Permit No. 50052, dated January 26, 2018, is conducted on a semiannual basis. Four sampling points are selected on each boundary of the active portion of the USET facility. Samples are collected over a normal 8/hour shift of operations for three days (Monday, Wednesday, and Friday) to ensure a representative week of operations. Reports are submitted to the TCEQ Region 14 offices and may be obtained making a public information request with the TCEQ, <https://www.tceq.texas.gov/agency/data/records-services/reqinfo.html>.

Though beyond the scope of this PCB storage Approval, EPA notes that groundwater monitoring wells are in place at the USET facility and are subject to the regulatory regulations of 30 TAC Sections 335.156 – 335.167 (regarding applicability of groundwater monitoring programs and corrective action requirements). An annual summary to include the groundwater quality data and groundwater flow rate and direction may be obtained making a public information request with the TCEQ, <https://www.tceq.texas.gov/agency/data/records-services/reqinfo.html>.

Comment 6: Ms. Elida Castillo, community member, submitted a verbal comment at the virtual public hearing, which stated the following:

“I didn't get the registration for it. But yes, I would like to offer my comment. Elida Castillo, I live in ... in Taft, Texas, and I am the program director for Chispa Texas, which is a grassroots organization located in Corpus Christi, and we are a program of the League of Conservation Voters. And I would like to register my comment against reauthorization for US Ecology, now known as Republic Services', request to process PCBs and to increase its storage capacity. Us Ecology or now Republic Services has not been a good partner to the community of Robstown. There have been many

incidents there that have not been reported to the community and their permit applications to the Texas Commission on Environmental Quality usually do not result in a public meeting or public hearings, so the public is unaware of the issues that are happening there. There have been several fires that have broken out that have been unreported to the community, and when these fires happen the water or the runoff ends up in a ditch that drains out into the bay and it passes through, residents like Colonias who don't have the ability to be informed of what's going on. So, you know, PCBs as we know are very dangerous carcinogens and even though they were phased out, they're still in a lot of our products and we just don't believe that US Ecology should be reauthorized by the EPA. If you're really looking out for the community's safety, especially one that is, often marginalized and underrepresented. We, you know, this shouldn't be a permit that is granted and at least not in the capacity of increasing their ability to store polychlorinated biphenyls. Thank you."

Response to Comment 6:

The Facility must meet requirements at 40 CFR 761.65, which are designed to ensure there is no unreasonable risk to health or the environment. 40 CFR 761.65(b) requires all facilities to have adequate roofing and walls to prevent precipitation from reaching storage areas, adequate flooring and curbing with sufficient containment volume, no drains or other openings that would allow liquids to flow from curbed areas, floors and curbing constructed with portland cement, concrete, or a continuous, smooth, non-porous surface as defined at § 761.3, which prevents or minimizes penetration of PCBs, and must not be located at a site below the 100-year flood plain elevation.

In addition, both storage buildings have also been certified by a professional engineer and designed to meet slope and containment specifications to prevent external release from the buildings.

Both PCB storage buildings have portable fire extinguishers, fire control equipment, and a Fire Rover System that is monitored 24/7 with thermal imaging detection to aim and deploy fire foam. Both storage buildings have also been certified by a professional engineer and designed to meet slope and containment specifications to prevent external release from the buildings. This facility also has a RCRA permit (HW-50052) with TCEQ and safety and contingency plans are part of this current permit.

Although any run-off to the referenced ditch is not connected with the PCB storage Approval, EPA notes that it has reviewed historical records and is coordinating with TCEQ regarding the Nueces County Ditch No. 1. To request additional information regarding EPA's communication with the TCEQ regarding the referenced ditch, contact

Sunita Baniya at (214) 665-7121.

Comment 7: Ms. Myra Alaniz, community member, submitted a second verbal comment at the virtual public hearing, which stated the following:

“I also wanted to mention that a group of us attended a Coastal Bend water planning board meeting and in that meeting they were discussing about wanting to install a water treatment plant because there was discharges that were coming from the area of the Petronila/Colonia area that was being slowly trickled into the Baffin Bay and it was increasing the salinity level and killing the aquatic life. So, I just want to make sure- I am not sure if any of this runoff that Ms. Marie talked about runs into these tiny creeks that eventually makes it to Baffin Bay. But I want to mention that comment that it is being looked at by the Coastal Bend Water Planning Group.”

Response to Comment 7: The information shared in the comment is appreciated, however, neither the water treatment plant described nor concerns of run-off in the ditch on the facility are related to the PCB storage approval. They are outside the scope of this proceeding. EPA has reviewed historical records and is coordinating with TCEQ regarding the Nueces County Ditch No. 1. Members of the public interested in learning more about EPA’s coordination with the TCEQ regarding the referenced ditch may contact Sunita Baniya at (214) 665-7121 or baniya.sunita@epa.gov.

The Facility must meet requirements at 40 CFR 761.65, which are designed to ensure there is no unreasonable risk to health or the environment. 40 CFR 761.65(b) requires all facilities to have adequate roofing and walls to prevent precipitation from reaching storage areas, adequate flooring and curbing with sufficient containment volume, no drains or other openings that would allow liquids to flow from curbed areas, floors and curbing constructed with portland cement, concrete, or a continuous, smooth, non-porous surface as defined at § 761.3, which prevents or minimizes penetration of PCBs, and must not be located at a site below the 100-year flood plain elevation.

In addition, both storage buildings have also been certified by a professional engineer and designed to meet slope and containment specifications to prevent external release from the buildings.

Comment 8: Ms. Bette Cranford, community member, submitted a second verbal comment at the virtual public hearing, which stated the following:

Bette Cranford: “Yes, I know you can't address anything we say. But I was wondering, considering there's, what I've put in the comments, since there were several of us that mentioned that ditch, before the application goes through, could that possibly become,

I'm not, I know you're not going to answer me, but could that possibly be something that they may have to test prior to the reauthorization or the approval for extra storage?"

Tom Rucki, EPA: "Yeah, I can't answer that directly, but I do know that all comments that are made, are responded to on the record. So, if, comments are made today, I can't promise a particular answer. But I can promise that comments are responded to, by EPA that are said here today."

Bette Cranford: "I understand, you know, but like I said, because there's so many of us that know about it."

Tom Rucki, EPA: "Of course."

Bette Cranford: "It would seem like that would be something they would be interested in. Thank you."

Response to Comment 8: Although the concern of run-off in the ditch on the facility is not directly related with the PCB storage approval and outside the scope of this proceeding, EPA has reviewed historical records and is coordinating with TCEQ regarding the Nueces County Ditch No. 1. Members of the public interested in learning more about EPA's coordination with the TCEQ regarding the referenced ditch may contact Sunita Baniya at (214) 665-7121 or baniya.sunita@epa.gov.

In addition, both storage buildings have also been certified by a professional engineer and designed to meet slope and containment specifications to prevent external release from the buildings.