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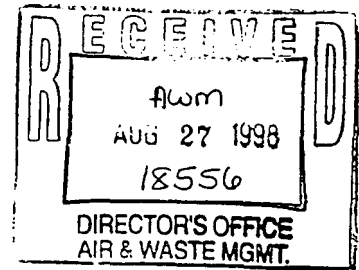
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UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION III  
1650 Arch Street  
Philadelphia, Pennsylvania 19103-2029

AUG 25 1998

CERTIFIED MAIL  
RETURN RECEIPT REQUESTED

Mr. Paul Johnston, Environmental Manager  
Standard Chlorine of Delaware, Incorporated  
745 Governor Lea Road  
New Castle, Delaware 19720



RE: Notice of Noncompliance TSCA-III-98-0120

Dear Mr. Johnston:

On January 29, 1998, a polychlorinated biphenyl (PCB) inspection was conducted, by representatives of the Environmental Protection Agency (EPA) Region III, at your facility to ensure compliance with the PCB Regulations. These regulations have been promulgated by EPA pursuant to Section 6(e) of the Toxic Substances Control Act (TSCA), 15 U.S.C. §2605(e) and are codified in 40 C.F.R. Part 761.

Based upon the inspection, Standard Chlorine, Inc., is not in compliance with the PCB regulations. Specifically, you have violated the requirements of the Storage for Disposal regulations at 40 C.F.R. §761.65(c)(1), Recordkeeping regulations at 40 C.F.R. §761.180(a), Manifesting regulations at 40 C.F.R. §761.207(a)(2), and Marking of PCBs and PCB Items regulations at 40 C.F.R. §761.40 (a)(10). These violations are as follows:

**Storage for Disposal**

40 C.F.R. §761.65(c)(1) states, in part, that designated PCB Items may be stored temporarily for up to 30 days from the date of their removal from service, provided that a notation is attached to the PCB Item or a PCB Container (containing the item) indicating the date the item was removed from service. At the time of the inspection, the facility had 68, 55-gallon drums containing PCB waste. These drums, a total of 3,740 gallons of PCB waste, were stored in an area other than their PCB storage area. These drums had been at this location for 44 days, exceeding the 30 days allowed for temporary storage by 14 days.

In response to this Notice of Noncompliance (Notice), please provide copies of the manifests and the Certificates of Disposal (CDS) for the 68, 55-gallon drums of PCB waste.

### **Marking of PCBs and PCB Items**

40 C.F.R. §761.40(a) sets forth the requirements for marking PCBs and PCB Items with the PCB marking formats illustrated in 40 C.F.R. §761.45. Among the items required to be marked with the appropriate format are PCB Containers, PCB Transformers, and each storage area used to store PCBs and PCB Items for disposal. On January 29, 1998, the facility's designated PCB storage area was not marked with a PCB M<sub>L</sub> Label. There was a sign with a PCB M<sub>L</sub> label at the area; however, the sign was leaning against a concrete pillar adjacent to the storage area and was not readily visible.

In response to this Notice, please provide photographs of the PCB storage area showing the required marking according to 40 C.F.R. § 761.40(a)(10).

### **Recordkeeping**

40 C.F.R. §761.180(a) states, in part, that each owner or operator of a facility using or storing at any one time at least 45 kilograms (99.4 pounds) of PCBs contained in PCB Container(s) shall develop and maintain all annual records and the written annual document log of the disposition of PCBs and PCB Items. The annual document log shall be maintained for at least three (3) years after the facility ceases using or storing PCBs and PCB Items in the quantities prescribed in this paragraph. Standard Chlorine, Inc., has not prepared and maintained copies of annual documents since 1986.

In response to this Notice, please submit the annual document for 1997.

### **Manifesting**

40 C.F.R. §761.207(a)(2) states that for each PCB Article Container or PCB Container, the generator shall specify the unique identifying number, type of PCB waste (e.g., soil, debris, small capacitors), earliest date of removal from service for disposal, and weight in kilograms of the PCB waste contained. The manifest for the off-site shipment of 20 drums of PCB waste in July 1997, did not include the individual weight of PCBs in each drum.

Also, 40 C.F.R. §761.208(a)(4) states, in part, that when a generator has employed an independent transporter to transport PCB waste to a commercial storer or disposer, the generator shall confirm by telephone, or by other means of confirmation agreed to by both parties, that the commercial storer or disposer actually received the manifested waste. The generator shall confirm the receipt of the waste, by close of business the day after he receives the manifest hand-signed by the commercial storer or disposer. The generator shall also retain a written record of all telephone or other confirmations to be included in the annual document log. At the time of this inspection, the facility had not maintained a record (e.g. telephone log) to document confirmation of receipt of PCB shipments by their independent transporters.

In response to this Notice, please forward the following:

1. Copies of the completed manifests, since the January 29, 1998 inspection, indicating the individual weights of PCBs in each drum being shipped; and
2. Procedures implemented to document confirmation of receipt of PCB shipments by independent transporters.

EPA is issuing this Notice of Noncompliance in lieu of further enforcement action. Within 30 days of receipt of this Notice, you must submit the requested information. If you fail to submit the requested information, EPA may issue an administrative complaint for the assessment of civil penalties of up to \$27,500 per day as authorized by Section 16 of TSCA, 15 U.S.C. Section 2615.

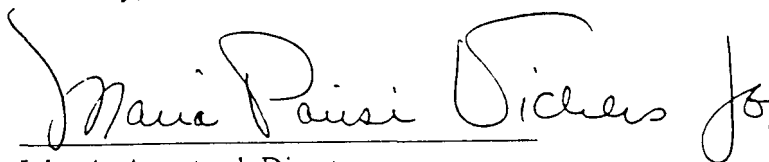
Please forward the copies of the manifests and the Certificates of Disposal for the 68, 55-gallon drums of PCB waste, photographs of the PCB storage area showing the required marking according to 40 C.F.R. § 761.40, the annual document for 1997, copies of the completed manifest, since the January 29, 1998 inspection indicating the individual weight of PCBs in each drum being shipped, and the procedures implemented to document confirmation of receipt of PCB shipments by independent transporters.

The above requested information should be forwarded to:

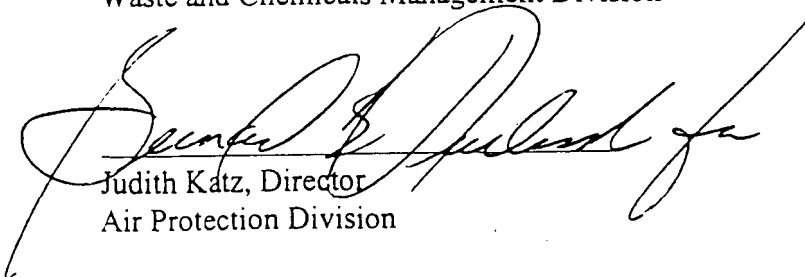
Ms. Bobbie J. Wright  
Toxics Programs and Enforcement Branch (3WC33)  
U.S. Environmental Protection Agency  
1650 Arch Street  
Philadelphia, PA 19103-2029

Please direct any inquiries you may have on this matter to Ms. Wright at (215) 814-3307.

Sincerely,



John A. Armstead, Director  
Waste and Chemicals Management Division



Judith Katz, Director  
Air Protection Division

cc: Nicholas D. Pasquale, Director DNREC