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TOXICS SECTION (6T-PT)

TSCA PCB Compliance Inspection Report

Section A - General Facility Summary

1. Name of Facility: Phelps Dodge Refining Corporation

Facility Address:	Corporate Address:
	Phelps Dodge Tower
P.O. Box 20001	2600 N. Central Ave.
(Street) or (P.O. Box)	(Street) or (P.O. Box)
El Paso, TX 79998	Phoenix, AZ 85004-3014
(City) (State) (Zip)	(City) (State) (Zip)
El Paso	Maricopa
(County)	(County)

2. Name of: Mr. Douglas Yearley, President (800)528-1182
(President/VP/Owner) (Title) (Phone)

Name of: Mr. George L. Bailey, Works Manager (915)775-8801
(Facility Representative) (Title) (Phone)

3. Type of Facility: Copper Refinery
(Utility, Salvage Yard, Refinery, etc.)

SIC No. 3331
(SIC Code)

Section B - Inspection Review/Comments

1. Inspected by: Peter M. Tadin Texas Dept. of Health 7-7-92
(Signature) (Agency and Date of Inspection)
Peter M. Tadin

2. Reviewed by: Peter M. Tadin for PJM Texas Dept. of Health
(Signature) (Agency and Date of Review)
Paula J. McKinney

3. Contacted: Mr. Bobby E. Stephens, Engineer
Mr. Armando R. Delgado, Dept. Head Power Dept.
Mr. George L. Bailey, Works Manager
Mr. A.J. Baxter, Plant Manager

4. Accompanied by: Ms. Monica Istvan, Texas Dept. of Health
Mr. Christopher Gray, Texas Dept. of Health

I. Introduction

A. Background

This facility was inspected because it appeared in the "Metals" Category on the Texas State Neutral Administrative Inspection

Scheme for Fiscal Year 1991. The inspection was conducted under the authority of the Toxic Substances Control Act (TSCA).

B. Entry

The inspector, accompanied by Ms. Monica Istvan and Mr. Christopher Gray of the Texas Department of Health (TDH), arrived at the facility at 10:15 a.m., identified himself to the security guard and requested to see the plant manager. The inspector was met by Mr. Bobby E. Stephens, Engineer and Environmental Coordinator, to whom he presented his credentials and explained the purpose of the inspection.

II. Opening Conference

A. Presentation of EPA Forms

Mr. Stephens led the inspector to a conference room, and introduced the inspector to Mr. Armando R. Delgado, Head of the Power Department, and Mr. George L. Bailey, Works Manager. Mr. Bailey stated that he was in charge of the facility, so the inspector presented his credentials to him, as well as the Notice of Inspection and the TSCA Confidentiality Notice. Mr. Bailey signed both forms and the inspector then gave him a copy of each form.

B. Facility Description and PCB Status

Mr. Bailey explained to the inspector that the Phelps Dodge Refining Corporation has been operating in El Paso since 1930, when Phelps Dodge bought the year-old Nichols Copper Refining Company. The present facility, located on 200 acres, employs approximately 500 people in the refining of copper and precious metals.

Mr. Delgado stated that three (3) PCB transformers had already been reclassified to non-PCB status and that four (4) PCB transformers were in the process of being reclassified by Unison (ENSR). He also stated that two (2) transformers had been removed and shipped for disposal.

III. Records Review

A. PCB History as Reconstructed from Records

At the time of the inspection, Mr. Delgado provided the inspector with Annual Documents for the years 1978 through 1988, PCB Transformer Inspection Records, and a PCB Inspection Log. Mr.

Delgado was not able to provide the inspector with the following documents at the time of the inspection:

1. 1989 Annual Document
2. 1990 and 1991 Annual Document Logs
3. Manifests and Certificates of Disposal for PCB waste disposed of in 1990 and 1991
4. Notification of PCB Waste Activity
5. Registration of PCB transformers with the fire department

Because the Annual Documents for 1978 through 1988 were incomplete, and because the Annual Document for 1989 and the Annual Document Logs for 1990 and 1991 had not been prepared, the inspector was unable to get a clear picture of the facility's PCB history. The inspector, therefore, requested that Mr. Delgado mail him complete copies of all Annual Documents and Annual Document Logs from 1978 through 1991 for further review. The inspector also requested from Mr. Delgado the manifests and certificates of disposal for 1978 through 1991, the certificates of analysis for PCB transformers being reclassified, and the facility's fire department registration of PCB transformers.

On July 9, 1992, the inspector received from Mr. Delgado certificates of analysis for the PCB transformers that had been or were in the process of being reclassified as non-PCB transformers. On July 22, 1992, the inspector received from Mr. Delgado reconstructed Annual Documents and Annual Document Logs for 1978 through 1991, with the accompanying manifests and certificates of disposal, as well as the fire department registration for the facility's PCB transformers. As of July 22, 1992, the only document the inspector had not received from Mr. Delgado was the "Notification of PCB Waste Activity".

The inspector examined the Annual Documents for the years 1978 through 1988 that were provided by Mr. Delgado at the time of the inspection. The inspector also examined the reconstructed Annual Documents and Annual Document Logs for 1978 through 1991, and the accompanying annual records for 1990 and 1991, which were mailed in. Using these documents, the inspector was able to reconstruct the PCB history of the facility as follows:

In 1978, the facility had in service six (6) PCB transformers (serial numbers C503443, 7147582, G858933B, G858933A, E694616A, E694616B). In 1979, the facility acquired a seventh PCB transformer (s/n F962067B). In 1981, the facility began using two (2) PCB large high voltage (LHV) capacitors (serial numbers F232040 and F232026). These capacitors were both disposed of in 1987, although the former had been removed from service and placed into storage for disposal on July 12, 1985. It had, in fact, been in storage for disposal for more than two (2) years (see copy of reconstructed 1987 Annual Document attached). In

1982, the facility disposed of one (1) PCB transformer (s/n G858933B). The facility engaged in no PCB activity again until 1987 when it acquired three (3) additional PCB transformers (serial numbers T57355B, F964580B, F964580A).

The facility reached its peak quantity of PCB transformers in 1987 and in that same year began a program to retrofill and reclassify all of its PCB and PCB-contaminated transformers (see copy of letter from Mr. Delgado to the inspector, dated July 14, 1992). The following is a summary of the facility's PCB transformer activity from 1987 through 1991:

PCB Transformers in Service(Listed by Serial Number)

1987	1988	1989	1990	1991
C503443	·····	·····	·····	·····
7147582	·····	·····	Disposed(1)	
G858933A	·····	·····	Reclassified(2)	
E694616A	·····	·····	·····	·····
E694616B	·····	·····	·····	·····
F962067B	·····	·····	·····	·····
T57355B	·····	Reclassified(3)		
F964580B	·····	·····	Reclassified(4)	
F964580A	·····	·····	Reclassified(5)	

(1) See copy of manifest no. 380634, dated December 18, 1990 and accompanying S.D. Myers Certificate of Disposal no. 40824, dated March 3, 1991.

(2) See copy of Transformer Reclassification Certificate from Westinghouse Electric Corp. dated December 3, 1990.

(3) See copy of PCB analysis performed by Westinghouse Electric, dated May 10,1989.

(4) See copy of PCB analysis performed by S.D. Myers on March 19, 1992.

(5) See copy of PCB analysis performed by S.D. Myers on March 19, 1992.

In 1988, the facility transported for disposal 31,965 kg of askarel, transformer flush-fluid, and debris (see copies of manifests nos. 368199, 572059, 482436, 411483, 410767, and accompanying certificates of disposal attached). According to the reconstructed 1988 Annual Document, the PCB waste came from PCB transformers (serial nos. G858933A and T57355) that were

being reclassified by S.D. Myers Transformer Consultants and Westinghouse Electric Corporation (see copies of PCB analyses attached).

At the time of the inspection, the facility had four (4) PCB transformers that had not yet been reclassified. The facility had no other PCB items.

B. Annual Documents for 1978 through 1988

The inspector examined Annual Documents for the years 1978 through 1988 (see copy of document no. 03), provided him by Mr. Delgado at the time of the inspection, and observed the following deficiencies:

1. The Annual Documents for 1979, 1980, 1987, and 1988 were not prepared by July 1st of the respective years. The Annual Documents, called the "Annual PCB Report" are dated July 8, 1979, November 10, 1981, July 18, 1988, and July 10, 1989.

2. In 1982, the facility shipped for disposal 1079 kg of PCB waste on manifest no. 492088. In 1985, the facility removed from service, and placed into storage for disposal, one (1) LHV capacitor (s/n F232040). In 1987, the facility shipped for disposal two (2) LHV capacitors (serial numbers F232040 and F232026) on manifest no. 207186. In 1988, as documented under "PCB History as Reconstructed from Records," the facility disposed of 31,965 kg of PCB waste.

The Annual Documents for 1982, 1985, 1987, and 1988 do not include the total weight in kilograms of PCB items removed from service. The Annual Documents for 1982, 1987, and 1988 do not provide the location of the disposal or storage facility used for the PCB items removed from service or the name of the owner or operator of the facility. The Annual Documents for 1987 and 1988 do not list the dates when PCB items were removed form service and placed into transport for disposal.

3. The Annual Documents for 1978 through 1988 do not list, for PCB transformers remaining in service at the end of each calendar year, the total weight in kilograms of these PCB transformers. The Annual Documents for 1980 through 1988 do not include the total number of PCB transformers.

The inspector examined the reconstructed Annual Documents for 1978 through 1988, which he had requested from Mr. Delgado. After examining the documents, the inspector observed that the reconstructed Annual Documents and the accompanying annual records were complete and accurate.

C. Annual Document for 1989 and Annual Document Logs for 1990 and 1991

At the time of the inspection, Mr. Delgado was not able to provide the inspector with the 1989 Annual Document or with the 1990 and 1991 Annual Document Logs. The inspector did, however, examine the reconstructed Annual Document for 1989 and the reconstructed Annual Document Logs for 1990 and 1991, which the inspector had requested from Mr. Delgado and which the inspector received after the time of the inspection. After examining them, the inspector observed that the reconstructed Annual Document and Annual Document Logs and the accompanying annual records were complete and accurate.

D. PCB Transformer Inspection Records

The inspector examined the PCB Transformer Inspection Records and several pages from the PCB Inspection Log provided by Mr. Delgado at the time of the inspection (see copy of documents nos. 01 and 02). The inspector also examined additional pages from the PCB Inspection Log sent to the inspector on July 27, 1992 (see facsimile of PCB Inspection Log attached). The inspector observed the following deficiencies:

Transformer Serial Number	Deficiency
C503443	Missing one (1) inspection for first quarter of 1983.
7147582	Missing one (1) inspection for first quarter of 1983. No cleanup record for PCB leak on March 23, 1982.
G858933B	No cleanup records for PCB leaks on March 31 and April 8, 1982.
G858933A	Missing one (1) inspection for first quarter of 1983. No cleanup record for PCB leaks on March 3, and April 8, 1982.
E694616A	The person inspecting the PCB transformers is not identified in 1981, and 1983 through 1987 inspection records. No cleanup record for PCB leak on September 21, 1984. The estimate of dielectric fluid is missing from cleanup records for PCB leaks on March 23, and September 21, 1984.

E694616b	Missing one (1) inspection for first quarter of 1983.
F962067B	Missing one (1) inspection for first quarter of 1983.

E. Fire Department Registration

At the time of the inspection, Mr. Delgado did not have proof that the facility had registered any of its PCB transformers with the El Paso Fire Department. On July 22, 1992, the inspector received from Mr. Delgado a copy of the letter of registration with the El Paso Fire Department, dated July 13, 1992, and a map of the facility's PCB transformers. The registration failed to include the address of the facility being registered as well as the name and telephone number of the designated contact person at the Phelps Dodge facility.

IV. Physical Inspection

Following the opening conference, Mr. Delgado gave the inspector a tour of the plant so that the inspector could conduct a physical inspection.

A. Vertical Furnace Substation

The first stop of the inspection was at the Vertical Furnace Substation. The inspector observed two (2) General Electric Pyranol transformers (serial numbers E694616B and E694616A), each with a power capacity rating of 300 KVA. Mr. Delgado stated that both of these transformers were in the process of being reclassified by Unison (ENSR). Both transformers were properly marked and appeared to be in good condition. The inspector observed, beneath the drain valve of each transformer, a bucket containing an oily pasty residue (see photos nos. 01 and 02). Mr. Delgado said he did not know who had placed the buckets on the drain valves. The inspector later collected samples from both buckets and split the samples with Mr. Delgado (see analytical results for sample nos. 01 and 02 attached).

B. Tankhouse East Substation

The second stop of the inspection was at the Tankhouse East Substation. The inspector observed one (1) General Electric Pyranol transformer (s/n C503443), rated at 300 KVA. Mr. Delgado stated that this transformer was in the process of being

reclassified. The transformer appeared to be in good condition. The inspector observed that, although the transformer itself was properly marked with the PCB warning label, the entrance to the transformer building was not marked. The PCB label on the transformer was, however, plainly visible from outside of the substation (see photo no. 03).

C. Northeast Substation

The third stop of the inspection was at the Northeast Substation, where the inspector observed one (1) General Electric Pyranol transformer (s/n F962067B) rated at 1500 KVA and appearing in good condition. Mr. Delgado stated that this transformer was in the process of being reclassified. The inspector observed that the entrance to the substation was not marked (see photo no. 04). The PCB label on the transformer was, however, plainly visible from outside of the substation (see photo no. 04).

D. Precious Metals Building

The fourth stop of the inspection was at the Precious Metals Building, where the inspector observed no PCBs or PCB items.

E. West and East Tank Auxiliary Substation

The fifth and final stop of the inspection was at the West and East Tank Auxiliary Substation. The inspector observed two (2) 255 gallon, 1500 KVA transformers (serial numbers F964580A and F964580B). Both of the transformers were properly marked with PCB labels, but the separate entrances to each transformer were not marked. The inspector observed, beneath the East transformer, sediment which appeared to be stained with oil (see photos nos. 05 and 06). Mr. Delgado stated that he was not aware of the stain. The inspector requested that Mr. Delgado provide him with the PCB analysis history for this transformer. The inspector later collected a sample of the sediment, and split it with Mr. Delgado (see analytical result for sample no. 03 attached).

On July 10, 1992, the inspector received a copy of the PCB analytical report prepared by S.D. Myers on April 7, 1992, for the leaking transformer on the east side of the Auxiliary Substation (see copy of analytical report attached) which revealed the following information:

PCB Content Expressed in PPM

Date	1242	Total
05/29/87	2827	2827
03/14/89	3584	3584
10/24/90	157	157
03/19/92	29	29
Date Classified		Non-PCB

Because the transformer was non-PCB at the time of the inspection, the entrance to the substation was not required to be marked with the PCB label.

V. PCB Analysis Results

On August 9, 1992, the inspector received from the Texas Department of Health Bureau of Laboratories a copy of the PCB analysis results for the three (3) samples collected at Phelps Dodge. Sample no. 01, collected from a bucket hanging from the drain valve on the side of transformer no. 4 (s/n E694616B) in the Vertical Furnace Substation had a PCB concentration of 679,981 parts per million (ppm). Sample no. 02, collected from a bucket hanging from the drain valve on the side of transformer no. 5 (s/n E694616A) in the Vertical Furnace Substation had a PCB concentration of 974,331 ppm. Sample no. 03, collected from the sediment underneath the east transformer in the West and East Tank Auxiliary Substation, had a PCB concentration below 50 ppm.

VI. Closing Conference

At the conclusion of the inspection, the inspector met with Mr. Delgado, Mr. Stevens, Mr. Bailey and Mr. A. J. Baxter, Plant Manager. The inspector explained the results of the visual inspection and reviewed the company's recordkeeping deficiencies. The inspector gave Mr. Delgado a list requesting specific data on the company's PCB activity (see copy of this list attached). Finally, the inspector wrote a receipt for samples and documents collected, which Mr. Delgado signed. The inspector then gave Mr. Delgado a copy of the receipt.

FACILITY NAME: Phelps Dodge Refining
EPA ID NUMBER: TXD007399144

SECTION C - RECORDKEEPING/INVENTORY (40 CFR PART 761.180)
SUBSECTION 761.180(a) - PCBs AND PCB ITEMS IN SERVICE OR PROJECTED FOR DISPOSAL

1. Since July 02, 1978, has facility had in service, stored for future use, or stored for disposal:
   (a) One or more PCB Transformers? Yes ✓ No
   (b) 50 or more PCB Large High or Low Voltage Capacitors? Yes ✓ No
   (c) 45 kilograms (99.4 lbs.) or more of PCB chemicals, substances, or mixtures? Yes ✓ No
   (50 ppm or greater)

2. PCB Items at time of the Inspection:

	REMAINING IN SERVICE	REMOVED FROM SERVICE	IN STORAGE FOR FUTURE USE	IN STORAGE FOR DISPOSAL	SENT TO DISPOSAL	NUMBER RECLASS-IFIED	NUMBER MARKED
A) # OF PCB TRANSFORMERS	4	2	0	0	2	4	4
B) KG OF PCBs TRANSFORMERS	3,448	2,254	0	0	2,254	11,145	8,445
C) # OF LARGE LOW VOLTAGE CAPACITORS	0	0	0	0	0	0	0
D) # OF LARGE HIGH VOLTAGE CAPACITORS	0	2	0	0	2	0	n/a
E) # OF PCB CONTAINERS	0	81	0	0	81	0	n/a
F) KG OF PCBs IN CONTAINERS	0	57,970	0	0	57,970	0	n/a
G) CONTENTS OF CONTAINERS	n/a	debris & fluid capacitors	—	—	debris & fluid capacitors	—	—
H) # OF PCB ARTICLE CONTAINERS	0	0	0	0	0	0	0
I) KG OF PCBs IN CONTAINERS	0	0	0	0	0	0	0
J) OTHER (IDENTIFY)	0	0	0	0	0	0	0

FACILITY NAME: _____
EPA ID NUMBER: _____

3. Is the information from Question 2 maintained in an annual document?
(For the latter half of 1978 and the calendar years 1979 through 1989)
(This document shall be prepared by July 01, and cover the previous calendar year and be maintained for 3 years after facility ceases using or storing PCBs and PCB Items in the prescribed quantities)

Yes ✓ No___

If yes, give the years for which annual documents are available:

1978	1980	1982	1984	1986	1988
1979	1981	1983	1985	1987	

If no, identify other sources of information:
(Example: waste manifests, certificates of disposal, work orders, other - identify)

_____

_____

_____

4. Does the facility's annual document required for 1989 cover the period from January 1, 1989 to February 5, 1990?
Yes___ No___ N/A ✓

5. Do records indicate the date(s) when PCBs and PCB Items were:

	(Annual Document)	(Basic Records)
(a) Removed from service?	Yes___ No ✓ N/A___	Yes ✓ No___
(b) Placed into storage for disposal?	Yes___ No ✓ N/A___	Yes ✓ No___
(c) Placed into transport for disposal?	Yes___ No ✓ N/A___	Yes ✓ No___

6. Do records indicate the following for equipment no longer in service:

	(Annual Document)	(Basic Records)
(a) Contents of PCB Containers? (e.g., liquid, soil, cleanup debris, capacitors)	Yes___ No ✓ N/A___	Yes ✓ No___
(b) Total weight in kilograms of PCBs and PCB Items in PCB Containers?	Yes___ No ✓ N/A___	Yes ✓ No___
(c) Total number of PCB Transformers?	Yes___ No ✓ N/A___	Yes___ No ✓
(d) Total weight in kilograms of PCBs in PCB Transformers?	Yes___ No ✓ N/A___	Yes ✓ No___
(e) Total number of PCB Large High or Low Voltage Capacitors?	Yes ✓ No___ N/A___	Yes ✓ No___

FACILITY NAME: _____
EPA ID NUMBER: _____

7. Do records indicate the total quantities of PCBs and PCB Items remaining in service (in use or stored for reuse) at the end of the calendar year categorized as follows:

	(Annual Document)	(Basic Records)
(a) Contents of PCB Containers? (e.g., liquid, soil, cleanup debris, capacitors)	Yes___ No✓ N/A___	Yes___ No_
(b) Total weight in kilograms of PCBs and PCB Items in PCB Containers?	Yes___ No✓ N/A___	Yes___ No_
(c) Total number of PCB Transformers?	Yes___ No✓ N/A___	Yes___ No_
(d) Total weight in kilograms of PCBs in PCB Transformers?	Yes___ No✓ N/A___	Yes___ No_
(e) Total number of PCB Large High or Low Voltage Capacitors?	Yes✓ No___ N/A___	Yes___ No_

8. Is the information from Question 2 maintained in an annual document log?
(For the period 2/5/90 to 12/31/90 [calendar year 90] and calendar years thereafter)
(This document shall be prepared by July 01, and cover the previous calendar year and be maintained for 3 years after facility ceases using or storing PCBs and PCB Items in the prescribed quantities)

Yes___ No✓

If yes, give the years for which annual document logs are available:

_____ _____ _____ _____ _____ _____

9. Does the facility (Effective 2/5/90) maintain annual records?
(Shall contain all signed manifests generated by the facility during the calendar year and all Certificates of Disposal that have been received by the facility during the calendar year and be maintained for 3 years after facility ceases using or storing PCBs and PCB Items in the prescribed quantities)

Yes✓ No___ N/A_

If yes, give the years for which annual records are available?

1990 1991 _____ _____ _____ _____

If no, Explain: _____

_____

_____

FACILITY NAME:_____
EPA ID NUMBER:_____

10. Does the facility's written annual document log include:

(a) Name, address, EPA identification number, and calendar year covered? Yes___No___

(b) Unique manifest number of every manifest generated during calendar year? Yes___No___

(1) From each manifest and for unmanifested waste that may be stored at the facility, the following information:

(a) For Bulk PCB waste (e.g., in a tanker or truck):
- (1) weight in kilograms? Yes___No___
- (2) first date removed from service for disposal? Yes___No___
- (3) date placed into transport for off-site storage or disposal? Yes___No___
- (4) date of disposal? (if known) Yes___No___

(b) For PCB Article (e.g., transformer, capacitor):
- (1) serial number (if available) or other means of identification? Yes___No___
- (2) weight in kilograms of PCB waste in each? Yes___No___
- (3) date removed from service for disposal? Yes___No___
- (4) date placed in transport for off-site storage or disposal? Yes___No___
- (5) date of disposal? (if known) Yes___No___

(c) For PCB Container:
- (1) unique number identifying each? Yes___No___
- (2) description of contents of each? (e.g., liquid, soil, cleanup debris, etc.) Yes___No___
- (3) total weight of material in kilograms in each? Yes___No___
- (4) first date material placed in each for disposal? Yes___No___
- (5) date each placed in transport for off-site storage or disposal? Yes___No___
- (6) date of disposal? (if known) Yes___No___

(d) For PCB Article Container:
- (1) unique number identifying each? Yes___No___
- (2) description of contents of each? (e.g., pipes, capacitors, electric motors, pumps, etc.) Yes___No___
- (3) total weight in kilograms of contents of each PCB Article Container? Yes___No___
- (4) first date a PCB Article placed into each for disposal? Yes___No___
- (5) total weight of the PCB Articles in kilograms in each PCB Article Container? Yes___No___
- (6) date PCB Article Container placed in transport for off-site storage or disposal? Yes___No___
- (7) date of disposal? (if known) Yes___No___

FACILITY NAME:_____
EPA ID NUMBER:_____

10. Does the facility's written annual document log include (cont'd):
    (c) total number by specific type of PCB Articles? Yes___No__

    (d) total weight in kilograms of PCBs in PCB Articles? Yes___No__

    (e) total number of PCB Article Containers? Yes___No__

    (f) total weight in kilograms of the contents of PCB Article Containers? Yes___No__

    (g) total number of PCB Containers? Yes___No__

    (h) total weight in kilograms of the contents of PCB Containers? Yes___No__

    (i) total weight in kilograms of bulk PCB waste placed into storage for disposal or disposed during the calendar year? Yes___No__

    (j) total number of PCB Transformers remaining in service at the end of the calendar year? Yes___No__

    (k) total weight in kilograms of PCBs contained in PCB Transformers remaining in service at the end of the calendar year? Yes___No__

    (l) total number of Large High or Low Voltage PCB Capacitors remaining in service at the end of the calendar year? Yes___No__

    (m) total weight in kilograms of any PCBs and PCB Items in PCB Containers, including the identification of container contents, remaining in service at end of the calendar year? Yes___No__

    (n) record of each telephone call, or other means of verification, made to each designated commercial storer or designated disposer to confirm receipt of PCB waste transported by an independent transporter? Yes___No__

    (o) For any PCBs or PCB Items received from or shipped to another facility owned or operated by the same generator, the following information:
        (1) Unique manifest number of every manifest generated during calendar year? Yes___ No___N/A___

        (2) From each manifest and for unmanifested waste that may be stored a the facility, the following information:
            (a) For Bulk PCB waste (e.g., in a tanker or truck):
                (1) weight in kilograms? Yes___No__
                (2) first date removed from service for disposal? Yes___No__
                (3) date placed into transport for off-site storage or disposal? Yes___No__
                (4) date of disposal? (if known) Yes___No__
            (b) For PCB Article:
                (1) serial number (if available) or other means of identification? Yes___No__
                (2) weight in kilograms of PCB waste in each? Yes___No__
                (3) date removed from service for disposal? Yes___No__
                (4) date placed in transport for off-site storage or disposal? Yes___No__
                (5) date of disposal? (if known) Yes___No__

FACILITY NAME:_____
EPA ID NUMBER:_____

10. Does the facility's written annual document log include (cont'd):

(c) For PCB Container:

(1) unique number identifying each? Yes___No___
(2) description of contents of each? Yes___No___
(e.g., liquid, soil, cleanup debris, etc.)
(3) total weight of material in kilograms in each? Yes___No___
(4) first date material placed in each for disposal? Yes___No___
(5) date each placed in transport for off-site storage or disposal? Yes___No___
(6) date of disposal? (if known) Yes___No___

(d) For PCB Article Container:

(1) unique number identifying each PCB Article Container? Yes___No___
(2) description of contents of each PCB Article Container? (e.g., pipes, capacitors, electric motors, pumps, etc.) Yes___No___
(3) total weight in kilograms of contents of each PCB Article Container? Yes___No___
(4) first date a PCB Article placed into each for disposal? Yes___No___
(5) total weight of the PCB Articles in kilograms in each PCB Article Container? Yes___No___
(6) date PCB Article Container placed in transport for off-site storage or disposal? Yes___No___
(7) date of disposal? (if known) Yes___No___

11. List date(s) when facility began using or storing PCBs in the quantities prescribed in Section C; Question 1; Items a, b, and c.
(attach copy of documentation)

1975 (date) _____ (date) _____ (date) _____ (date)

12. Did facility cease using or storing PCBs in the quantities prescribed in Section C; Question 1; Items a, b, and c? Yes___No✓

If yes, list date(s) of shipment(s) that accomplished this:
[attach copy of manifest(s)]

_____ (date) _____ (date) _____ (date) _____ (date)

13. If owners or operators maintain more than one facility that has PCBs in the quantities prescribed in SECTION C, Question 1, Items a, b, and c are records and documents kept at a single location?

Yes___No___N/A✓

If yes, list location:_____

FACILITY NAME: _____
EPA ID NUMBER: _____

14. For PCBs and PCB Items removed from service, do the records indicate the location of the initial disposal or storage facility and the Name of the owner or operator of the facility?

Yes ✓ No ___ N/A ___

If yes, list name, location, type of facility:
(i.e., broker, incinerator, boiler, landfill, etc)

(Name of Facility)	(Owner/Operator)	(Location)	(Type)
Unison	Robert Eagleson	Clearfield, VT	incinerator
Ensco, Inc.	Jimmy Massey	El dorado, AR	incinerator
SD Myers	Charlie Lipman	Tallmadge OH	incinerator

15. Identify which calendar year annual documents and annual document logs were reviewed.

annual documents

1978 through 1988

annual document logs

16. Any deficiencies in recordkeeping must be described below, including information on the amount of PCBs involved. Copy deficient documents or at least a sample quantity. Quantify PCB weights and PCB Items not properly recorded.

(see narrative)

FACILITY NAME: _____
EPA ID NUMBER: _____

SECTION C - RECORDKEEPING/INVENTORY (40 CFR PART 761.180)
SUBSECTION 761.180(b) - DISPOSAL AND STORAGE FACILITIES

1. List date(s) when facility began its commercial storage or disposal operations. _____ _____ _____ _____

2. Has commercial storage or disposal facility ceased its storage or disposal operations?

   Yes___No___

   a) If yes, give dates: _____ _____ _____ _____ _____

   b) If yes, did facility notify within 60 days the EPA Regional Office which has jurisdiction?
   Yes___No___

3. Since July 02, 1978, has commercial storage or disposal facility (including high efficiency boiler operations) prepared and maintained an annual document prepared by July 01, which includes information for PCBs and PCB Items that were handled at the facility during the previous calendar year? (shall be prepared for the latter half of 1978 and the calendar years 1979 through 1989 and be maintained for 3 years after the facility is no longer used for the storage or disposal of PCBs and PCB Items - *except Chemical Waste Landfills shall maintain the document at least 20 years after the landfill is no longer used for the disposal of PCBs and PCB Items*)

   Yes___No___

   If yes, give the years for which annual documents are available:

   _____ _____ _____ _____ _____ _____

   _____ _____ _____ _____ _____ _____

   If no, identify other sources of information:
   (Example: waste manifests, certificates of disposal, work orders, other - identify)

   _____

   _____

   _____

4. Does the facility's annual document required for 1989 cover the period from January 1, 1989 to February 5, 1990?
   Yes___No___N/A___

5. Does the facility's annual document include the date(s) when PCBs and PCB Items were received by the facility during the previous calendar year for storage or disposal?

   Yes___No___

6. Does the facility's annual document include for PCBs and PCB Items received by the facility during the previous calendar year:

   (a) identification of the facility from whom the PCBs were received?
   Yes___No___

   (b) identification of the owner or operator of the facility from whom the PCBs were received?
   Yes___No___

FACILITY NAME: PHELPS DODGE REF.
EPA ID NUMBER: TXD 007 397 144

SUBSECTION D - OIL-FILLED ELECTRICAL EQUIPMENT

1. Does facility have any oil filled electrical equipment that is considered PCB contaminated (50 ppm or greater but less than 500 ppm) either by assumption or by testing? (NOTE: "Oil Filled" refers to mineral oil; therefore, mineral oil may be assumed to be PCB contaminated [50 to 500 PPM PCBs] in lieu of testing).

Yes ✓ No

This form was completed by Mr. Delgado as requested by the inspector.

If yes, list status below.

EQUIPMENT	NUMBER REMAINING IN SERVICE	NUMBER REMOVED FROM SERVICE	NUMBER IN STORAGE FOR DISPOSAL	NUMBER SENT TO DISPOSAL	NUMBER TESTED	NUMBER RECLASSIFIED
1. TRANSFORMERS	4	0	0	0	26	139
2. VOLTAGE REGULATORS						
3. CIRCUIT BREAKERS						
4. SWITCHES						
5. RECLOSERS						
6. CABLE						
7. MOTOR STARTRS						
8. SECTIONALIZRS						
9. ELECTROMAGNTS						

COMMENTS: WE BEGAN A PROGRAM IN 1987 TO RELASSIFY ALL PCB AND PCB CONTAMINATED TRANSFORMERS IN THE PLANT WE ARE IN THE LAST STAGES OF RECLASSIFYING ALL PCB TRANSFORMERS TO NON PCB. WE PRESENTLY HAVE 4 TRANSFORMERS IN RECLASSIFICATION PROCESS BY UNISON. WE HAVE 4 TRANSFORMERS WHICH HAVE NOT BEEN TESTED AND ARE ASSUMED PCB CONTAMINATED

ARMANDO R. DELGADO
Armando R Delgado
7/13/92

FACILITY NAME:_____
EPA ID NUMBER:_____

SUBSECTION D - OIL-FILLED ELECTRICAL EQUIPMENT

1. Does facility have any oil filled electrical equipment that is considered PCB contaminated (50 ppm or greater but less than 500 ppm) either by assumption or by testing? (NOTE: "Oil Filled" refers to mineral oil; therefore, mineral oil may be assumed to be PCB contaminated [50 to 500 PPM PCBs] in lieu of testing).

Yes___No__

If yes, list status below.

EQUIPMENT	NUMBER REMAINING IN SERVICE	NUMBER REMOVED FROM SERVICE	NUMBER IN STORAGE FOR DISPOSAL	NUMBER SENT TO DISPOSAL	NUMBER TESTED	NUMBER RECLASSIFIED
1. TRANSFORMERS						
2. VOLTAGE REGULATORS						
3. CIRCUIT BREAKERS						
4. SWITCHES						
5. RECLOSERS						
6. CABLE						
7. MOTOR STARTRS						
8. SECTIONALIZRS						
9. ELECTROMAGNTS						

COMMENTS:_____

FACILITY NAME: _____
EPA ID NUMBER: _____

SECTION E - USE AND SERVICING (40 CFR PART 761.30)

1. Do any PCB Transformers (in use or stored for reuse) pose an exposure risk to food/feed or food/feed products?
[761.30(a)(1)(i)] (Prohibited after October 1, 1985) Yes___ No ✓

If yes, identify PCB Transformer(s) by serial number, PCB concentration and location: _____

2. Are visual inspections of PCB Transformers conducted: Yes ✓ No___ N/A___

(a) Quarterly? [761.30(a)(1)(ix)] Yes ✓ No___

1. If yes, are there at least 30 days between inspections? Yes ✓ No___
2. Date inspections initiated: 1951
(Effective date May 11, 1981)

(b) Yearly? [761.30(a)(1)(xiii)] Yes___ No ✓

1. If yes, is there impervious undrained, secondary containment for 100% of the fluid? Yes___ No___
2. Is the concentration less than 60,000 ppm? Yes___ No___
3. If yes, are there at least 180 days between inspections? Yes___ No___
4. Date inspections initiated: _____
(Effective date August 1982)

3. Were any PCB Transformers ever found to have a leak? Yes ✓ No___ N/A___
[761.30(a)(1)(x)]

If yes,
(a) Were records maintained? Yes___ No ✓
(b) Was any active leak of PCBs contained to prevent exposure to humans or the environment? Yes ✓ No___
(c) Was an active leak inspected daily to verify containment? Yes___ No___
(d) Was cleanup of released PCBs initiated within 48 hours? Yes___ No___

If no, how long until cleanup was initiated? _____
(Give date of leak; date when cleanup was initiated; and date cleanup was accomplished)

FACILITY NAME:_____
EPA ID NUMBER:_____

4. Are records of PCB Transformer inspection and maintenance history available [761.30(a)(1)(xii)]

Yes ✓ No___ N/A_

5. Do I & M records indicate the following information for each PCB Transformer: [761.30(a)(1)(xii)]

(a) Its location? Yes ✓ No_
(b) Date of each visual inspection? Yes ✓ No_
(c) Name of person performing the inspections? (initials are not sufficient) Yes___ No ✓
(d) Location of any leaks? Yes ✓ No_
(e) Date leak(s) was discovered? Yes ✓ No_
(f) Description of any cleanup, containment/repair performed? Yes___ No ✓
(g) Est. amount of dielectric fluid released for any leak? Yes___ No ✓
(h) Results of any containment and daily inspections required for uncorrected active leaks? Yes ✓ No_

6. Any deficiencies in the inspection and maintenance program must be described. Also collect at least a sample of the deficient records.

(see narrative)

7. As of 12/1/85, have PCB Transformers been registered with fire response personnel with primary jurisdiction for responding to a fire at the facility? [761.30(a)(1)(vi)]

Yes___ No ✓ N/A_

If yes, did the information include:
(a) Location of transformers? Yes___ No_
(b) Type of dielectric fluid? Yes___ No_
(c) Name and phone number of person to contact in event of fire involving the equipment? Yes___ No_

8. Does facility maintain their own fire brigade? Yes___ No ✓
[761.30(a)(1)(vi)]

If yes, Explain:
(photos of fire equipment; number of trained fire personnel; copy of training attended; procedures manual, etc.)

FACILITY NAME:_____
EPA ID NUMBER:_____

9. Was a PCB Transformer installed in or near a commercial building after October 1, 1985? [761.30(a)(1)(iii)]

Yes___ No ✓

If yes, Explain and Identify PCB Transformer(s):_____

10. As of December 1, 1985, were PCB Transformers in use in or near commercial buildings registered with the building owners? (for PCB Transformers located in commercial buildings, owners of the transformers must register them with the building owner of record; and for PCB Transformers located near commercial buildings, owners of the transformers must register them with all owners of buildings located within 30 meters [approx. 100'] of the PCB Transformer) [761.30(a)(1)(vii)]

Yes___ No ✓ N/A___

If yes, did the information include:

(a) Specific location? Yes___ No___
(b) Type of dielectric fluid? Yes___ No___
(c) Type of transformer installation? Yes___ No___
(e.g., 208/120 volt network, 280/120 volt radial, 208 volt radial, 408 volt network, 480/277 volt network, 480 volt radial, 480/277 volt radial).

11. As of December 1, 1985, were any combustible materials stored within 5 meters (approx. 16') of a PCB Transformer or PCB Transformer enclosure? [761.30(a)(1)(viii)]

Yes___ No ✓ N/A___

If yes, attach documentation and identify length of time; photo required

12. Were any fire related incidents involving a PCB Transformer reported to the National Response Center? (Washington, D.C.) (1-800-424-8802) [761.30(a)(1)(xi)]

Yes___ No ✓

If yes, Explain:_____

FACILITY NAME: _____
EPA ID NUMBER: _____

13. After December 1, 1985, was the PCB Transformer access door, fence, hallway, etc., properly marked? [761.40(j)]

Yes___ No✓ N/A___

If no, Explain: (photo required) _____

14 Have any PCB Transformers in or near commercial buildings been installed in emergency situations? [761.30(a)(1)(iii)(A) & (B) and FR July 19, 1988] [Prohibited after 10/1/90 - 761.30(a)(1)(iii)(B)(2)]

Yes___ No✓___

If yes, Explain: _____

15. Have mineral oil transformers that have been tested and found to be contaminated above 499 ppm met the requirements of 761.30(a)(1)(xv)? (Inspection & Maintenance records and recordkeeping in annual document/log required when test analysis shows PCB concentration greater than 500 ppm)

Yes___ No___ N/A✓___

If yes, were they:

(a) Marked within 7 days? Yes___ No___
(b) Registered with fire department? (within 30 days) Yes___ No___
(c) Registered with building owner? (within 30 days) Yes___ No___ N/A___
(d) Installed electrical protective equipment by 10/1/90 Yes___ No___
(e) Retrofilled and reclassifed by 10/1/90 Yes___ No___
(f) Removed within 18 months of discovery or by 10/1/90, whichever is later? Yes___ No___

If no to any of the above Items (a) through (f), Explain: _____

16. As of October 1, 1990, does facility have in service in or near a commercial building network PCB Transformers with higher secondary voltages? (secondary voltages = or > 480 volts, including 480/277 volt systems) [761.30(a)(1)(ii)]

Yes___ No✓___

If yes, Explain and Identify PCB Transformer(s): _____

FACILITY NAME: _____
EPA ID NUMBER: _____

17. As of October 1, 1990, does facility have in service in or near a commercial building a radial PCB Transformer or lower secondary voltage network PCB Transformers not located in sidewalk vaults that have not been equipped with electrical protection to avoid transformer ruptures caused by high current faults? [761.30(a)(1)(iv)]

Yes___ No ✓

If yes, Explain and Identify PCB Transformer(s): _____

18. As of October 1, 1990, does facility have in service in or near a commercial building a radial PCB Transformer with higher secondary voltages (480 volts and above, including 480/277 volt systems) that have not been equipped with electrical protection to avoid transformer ruptures caused by sustained low current faults. [761.30(a)(1)(v)]

Yes___ No ✓

If yes, Explain and Identify PCB Transformer(s): _____

19. Does facility have in service in or near a commercial building a lower secondary voltage network PCB Transformer (network transformer with secondary voltage below 480 volts) not located in a sidewalk vault which has not been protected with electrical safety device? [761.30(a)(1)(iv)(B)]

Yes___ No ✓

If yes, has facility registered in writing this/these PCB Transformer(s) with EPA? (Effective 10/1/90) [761.30(a)(1)(iv)(C)] Yes___ No___

20. Have any PCB Items been Retrofilled/Retrofitted and Reclassified? [761.30(a)(2)(v)]

Yes ✓ No___

If yes, was documentation maintained? (Representative sample to be attached) Yes ✓ No___

Explain procedures followed (e.g. 50° C reached, tested after 90 days in service, etc):
(see quantified reports attached)

FACILITY NAME:_____
EPA ID NUMBER:_____

21. Does the facility service PCB Transformers? Yes___No_

If yes, do they remove the coil? [761.30(a)(2)(ii)] Yes___No_

Explain any servicing deficiencies:_____

22. Is any PCB filled electrical equipment serviced at this location? [761.30(a)(2)(i)] Yes___No_

If yes,
(a) Is it serviced with < 50ppm PCB dielectric fluid? Yes___No_
(b) Is it serviced with < 500ppm PCB dielectric fluid? Yes___No_
(c) Is it serviced with > 500ppm PCB dielectric fluid? Yes___No_

Explain: [Give original concentration(s)]_____

23. Is processing and distribution in commerce of PCBs for purposes of servicii transformers performed? [761.30(a)(2)(vii)] Yes___No_

If yes, has an exemption been granted? [TSCA 6(e)(3)(B)] Yes___No_

If yes, is facility listed in 40 CFR Part 761? Yes___No_

Explain circumstances and describe any servicing deficiencies:

FACILITY NAME: _____
EPA ID NUMBER: _____

24. Were PCB Capacitors being used? [761.30(l)] Yes___ No ✓

    (a) If yes, were they used within a restricted-access electrical substation or in a contained and restricted access indoor installation? [761.30(l)(1)(ii)] Yes___ No___

    (b) If yes, whether in use or in storage after October 1, 1988, do they pose an exposure risk to food or feed? [761.30(l)(1)(i)] Yes___ No___

25. Were PCB Capacitors, not located in restricted-access areas, replaced or removed from service before October 1, 1988? [761.30(l)(1)(ii)] Yes___ No ✓

    If no, Explain: _____

FACILITY NAME: _____
EPA ID NUMBER: _____

SECTION F - PCB USE IN HEAT TRANSFER AND HYDRAULIC SYSTEM (40 CFR PART 761.30)

1. Does the facility have any Heat Transfer or Hydraulic Systems that ever contained PCBs? [761.30(d) and 761.30(e)] Yes___ No✓

IF YES,

(a) Were they tested by November 1, 1979 to determine PCB concentration? [761.30(d)(1) and 761.30(e)(1)] Yes___ No___

(b) Did PCB concentration reach 50 ppm or greater? [761.30(d) and 761.30(e)] Yes___ No___

(c) Was the system drained and refilled within six months if it contained 50 ppm or greater? [761.30(d)(2) and 761.30(e)(2)] Yes___ No___

(d) Was system tested annually thereafter until concentration was less than 50 ppm? (no sooner than three months after refilling) [761.30(d)(1) and 761.30(e)(1)] Yes___ No___

(e) Does facility maintain a record of the test analysis? (Must be kept for five years after systems reach 50 ppm) [761.30(d)(5) and 761.30(e)(5)] Yes___ No___

(f) Has facility used a system containing 50 ppm or above after July 1, 1984? [761.30(d) and 761.30(e)] Yes___ No___

If PCBs are suspected and tests have not been performed by the facility, collect sample for analysis and describe below:

_____

_____

_____

_____

_____

_____

FACILITY NAME: _____
EPA ID NUMBER: _____

SECTION G - STORAGE AND HANDLING (40 CFR PART 761.65)

*NOTE: Use duplicate pages if facility has more than one storage area in same category.

A. STORAGE FOR DISPOSAL GREATER THAN 30 DAYS

1. Has/does facility store(d) PCBs/PCB Items for disposal? Yes ✓ No___

   Is the storage area entrance(s) properly marked? Yes ✓ No___
   [761.40(a)(10) and 761.65(c)(3)]

   If no, how many entrance(s) are there? (photo required) _____

   If alternative marking is used, describe and photograph:

   _____

   _____

   _____

2. Are all PCBs in storage for disposal checked for leaks at least every 30 days? [761.65(c)(5)] N/A ✓ Yes___ No___

   If no, identify the storage area(s) not inspected every 30 days and provide documents of your determination: (e.g. records)

   _____

   _____

   _____

3. Have leaking PCB Articles and Containers and their contents been transferred to non-leaking containers? [761.65(c)(5)] N/A Yes___ No___

   If no, specify and describe: (photograph required)

   _____

   _____

   _____

FACILITY NAME: _____
EPA ID NUMBER: _____

4. If PCB dielectric fluid for servicing equipment is present, is it being stored in compliance with the storage for disposal provisions? (e.g. marked, TSCA storage area, records maintained, etc) [761.30(a)(2)(vi)] N/A Yes___No___

If no, NOTE quantity and storage deficiencies: (photo required)

_____

_____

_____

_____

5. Are all PCB Articles and PCB Containers dated when placed in storage? [761.65(c)(8)] Yes___No___

If no, identify and explain: (photo required)

_____

_____

_____

_____

6. Are all PCB Items arranged so they can be located by date? n/a [761.65(c)(8)] Yes___No___

7. If nonliquid PCBs are stored in container(s) larger than specified DOT containers, do they provide the same strength and protection? [761.65(c)(6)] n/a Yes___No___

Describe: (photo required)

_____

_____

_____

8. Is recorded inventory of PCBs in storage equal to what is in storage? Yes___No___N/A ✓

If no, Explain: _____

_____

_____

_____

FACILITY NAME: _____
EPA ID NUMBER: _____

9. Has storage/disposal facility stored PCBs in excess of one year? [761.65(a)]

Yes ✓ No ___

If yes, Identify the PCBs and PCB Items stored in excess of one year.
(description, serial number, quantity, etc., photograph required)

(see narrative)

If yes, was final disposal/destruction accomplished within one year?

Yes ___ No ✓

If no, were PCBs/PCB Items stored:

(a) in excess of nine months by using facility? Yes ✓ No ___
(b) for at least one year by using facility? Yes ✓ No ___
(c) in excess of three months by disposal facility? Yes ✓ No ___

Explain: (see narrative)

10. Does the storage area meet the following criteria: [761.65(b)(1)(i) through (iv)] n/a

(a) Adequate roof? Yes ___ No ___
(b) Adequate walls? Yes ___ No ___
(c) Impervious floor? Yes ___ No ___
(d) Minimum six inch continuous curb? Yes ___ No ___
(e) Containment volume? Yes ___ No ___

(1) What is containment volume? _____
(2) What is the internal volume of the largest stored PCB Articles or PCB Containers stored for disposal? _____
(3) What is the total internal volume of all PCB Articles and Containers stored for disposal? _____
(4) If applicable, what is the total internal volume of PCB Items stored for future use? _____
(5) Is the containment volume of the storage facility at least equal to twice the internal volume of the largest stored PCB Article or PCB Container? Yes ___ No ___
(6) Is the containment volume of the storage facility at least equal to 25% of the internal volume of all PCB Articles or PCB Containers being stored? Yes ___ No ___

FACILITY NAME:_____
EPA ID NUMBER:_____

10. Does the storage area meet the following criteria: [761.65(b)(1)(i)-(iv)] (Cont'd)

(f) Is the area within the curbed area void of drains, valves, expansion joints, or other openings? n/a Yes___No___

If no, describe type, location and size of opening:_____

_____

_____

_____

_____

(g) Is storage site above the 100 year floodplain? n/a Yes___No___
[761.65(b)(1)(v)]

(h) Any deficiencies in long-term storage facility(s) must be documented with photographs and described below:
(Include amount of PCBs involved)

n/a

_____

_____

_____

FACILITY NAME: _____
EPA ID NUMBER: _____

B. TEMPORARY STORAGE (30 DAYS AND LESS)

1. Are any PCB Items being stored in an area not meeting the requirements of a temporary storage area? [761.65(c)(1)]

   Yes___ No ✓

   If yes, Explain: (photograph and identify PCBs and PCB Items to include quantity)

   _____

   _____

   _____

2. Is this temporary storage area properly marked? Yes___ No___ N/A
   [761.40(a)(10) and 761.65(c)(3)]

   If no, Explain: (photo required)

   _____

   _____

   _____

3. Are non-leaking and structurally undamaged PCB Large High Voltage Capacitors and PCB-Contaminated Electrical Equipment that have not been drained of free flowing dielectric fluid being stored on pallets next to a storage facility that meets the requirements of 761.65(b)? [761.65(c)(2)]

   Yes___ No ✓

4. Does the storage facility have immediately available unfilled storage space which is equal to 10% of the total volume of capacitors, equipment and containers being temporarily stored? [761.65(c)(2)]

   Yes___ No ✓

5. Are the PCBs and PCB Items in temporary storage checked weekly for leaks? [761.65(c)(2)] N/A

   Yes___ No___

   If no, Explain how this determination was made:

   _____

   _____

   _____

FACILITY NAME: _____
EPA ID NUMBER: _____

6. Do all PCB Items in temporary storage bear the date when removed from service? [761.65(c)(1)] N/A Yes___No_

If no, Explain: (photograph and identify)

_____

_____

_____

7. Have all PCB Items in temporary storage been stored less than 30 days? [761.65(c)(1)] N/A Yes___No_

If no, Explain: (photograph and identify)

_____

_____

_____

8. Are any PCB Containers with fluid at concentrations of 500 ppm or greater in temporary storage? [761.65(c)(1)(iv)] N/A Yes___No_

If yes, Photograph and Identify: _____

_____

_____

9. Are containers of liquid PCBs marked to indicate that concentrations do not exceed 500 ppm PCB? [761.65(c)(1)(iv)] N/A Yes___No_

FACILITY NAME:_____
EPA ID NUMBER:_____

C. LIQUID BULK STORAGE

1. Are any liquid PCBs (50 ppm or greater concentration) being stored in containers larger than a specified DOT container? [761.65(c)(7)] Yes___ No ✓

Describe containers:_____

2. Has facility prepared and implemented an SPCC plan pertaining to bulk storage? [761.65(c)(7)(ii)] N/A Yes___ No___

3. Are bulk tanks containing liquid PCBs marked with the PCB label? [761.40(a)(1)] N/A Yes___ No___

If no, Identify: (photo required)

If applicable, describe and photograph alternative marking: N/A

4. Does the facility have records of each batch, quantity and date for PCBs added to bulk tanks? (attach sample) [761.65(c)(8)] N/A Yes___ No___

5. Does the facility have records of each batch, quantity and date for PCBs removed from bulk tanks? (attach sample) [761.65(c)(8)] N/A Yes___ No___

6. Do records of each batch, quantity and date of PCBs added to and removed from tanks indicate storage of PCBs in excess of one year? [761.65(a)] N/A Yes___ No___

If yes, Explain:_____

FACILITY NAME:_____
EPA ID NUMBER:_____

SECTION L - NOTIFICATION AND MANIFESTING OF PCB WASTE ACTIVITIES (FEDERAL REGISTER DATED 12/21/89)

I. GENERATOR

1. Is this facility a "Generator of PCB waste" who has engaged in PCB waste handling activities after February 5, 1990? Yes ✓ No__

   If yes, did facility notify EPA by filing EPA Form 7710-53 and obtain an EPA Identification Number? [761.205(a)(2)] Yes___ No ✓

   If yes, give ID Number_____

2. Does this generator meet the requirements for an exemption? Yes___ No ✓
   [761.205(c)(1) and (2)]

   If yes, Explain:_____

3. Are all shipments of PCB waste accompanied by a manifest? Yes ✓ No__
   [761.207(a)]

   If no, Explain:_____

4. Does all the following information appear on the manifest?
   [761.207 and 761.208]
   (a) Manifest document number Yes ✓ No__
   (b) Generator's name, address, telephone number, EPA ID Number Yes ✓ No__
   (c) Generator's signature Yes ✓ No__
   (d) Transporter's name and EPA ID Number Yes ✓ No__
   (e) Transporter's signature and date Yes ✓ No__
   (f) Secondary transporter information Yes___ No___ N/A ✓
   (g) Disposal facility name, address, telephone number, EPA ID number Yes ✓ No__

FACILITY NAME: _____
EPA ID NUMBER: _____

4. Does all the following information appear on the manifest? (cont'd)

(h) Alternate facility information — Yes___ No___ N/A ✓
(i) Disposal facility signature and date — Yes ✓ No___
(j) D.O.T. description of waste — Yes ✓ No___
(k) For each PCB Article Container or PCB Container
  (1) the unique identifying number — Yes ✓ No___
  (2) type of PCB waste (e.g., soil, debris, small capacitors, etc.) — Yes ✓ No___
  (3) earliest date of removal from service for disposal — Yes ✓ No___
  (4) weight in kilograms of the PCB waste contained — Yes ✓ No___
(l) For each bulk load of PCBs
  (1) the identity of the PCB waste — Yes ✓ No___
  (2) earliest date of removal from service for disposal — Yes ✓ No___
  (3) weight in kilograms of the PCB waste — Yes ✓ No___
(m) For each PCB Article not in a PCB Container or PCB Article Container
  (1) the serial number if available, or other identification if there is no serial number — Yes___ No___
  (2) date of removal from service for disposal — Yes ✓ No___
  (3) weight in kilograms of the PCB waste in each PCB Article — Yes ✓ No___
(n) Does the following certification appear on the manifest? "I hereby declare that the contents of this consignment are fully and accurately described above by proper shipping name and are classified, packed, marked and labeled, and are in all respects in proper condition for transport by highway according to applicable international and national government regulations" — Yes ✓ No___

5. Identify number of manifests inspected and give narrative explanation of deficiencies. (attach copies)

(see narrative)

6. If Generator has shipped PCB waste out of the United States, is the date of exit and the name and address of receiving facility indicated on manifest?

Yes___ No___ N/A ✓

If no, Explain: _____

FACILITY NAME:_____
EPA ID NUMBER:_____

7. If copy of manifest from disposal facility was not returned within 45 days, did the generator/facility file an exception report? (If yes, attach copy) [761.215(b)] Yes___No___

8. Did facility transfer PCBs or PCB Items to the disposer of PCB waste on a date more than 9 months from the date of removal from service for disposal? [761.215(d)(1)] Yes ✓ No___

   If yes, did facility file a One-year Exception Report with EPA? Yes___No ✓

9. Did facility not receive a Certificate of Disposal within 13 months from the date of removal from service for disposal <u>or</u> did facility receive a Certificate of Disposal confirming disposal of PCBs or PCB Items on a date more than 1 year after the date of removal from service? [761.215(d)(2)] Yes___No ✓

   If yes, did facility file a One-year Exception Report with EPA? Yes___No___

II. TRANSPORTER

1. Is this facility a transporter who has engaged in PCB waste handling activities after February 5, 1990? Yes___No ✓

   If yes, did facility notify EPA by filing EPA Form 7710-53 and obtain an EPA Identification Number? [761.205(a)(1)] Yes___No___

   If yes, give ID Number:_____

2. Are all shipments of PCB waste accompanied by a manifest? n/a Yes___No___ [761.207(a)]

   If no, Explain:_____

   _____

   _____

3. Does more than one location use this identification number? n/a Yes___No___

   If yes, how many?_____

   Identify:_____

FACILITY NAME: _____
EPA ID NUMBER: _____

4. Identify the mode(s) of transportation used by transporter: n/a

___Air ___Rail ___Highway ___Water ___Other (Specify) _____

5. Does transporter ship PCB waste into or out of the U.S.? n/a Yes___No___

6. Does transporter mix PCB waste and other hazardous waste of different D.O.T. shipping descriptions by placing them into a single container? n/a

Yes___No___

If yes, Explain: _____

7. Does the transporter store manifested shipments of PCB waste in containers meeting DOT specifications at a transfer facility? n/a

Yes___No___

If yes, Identify transfer facility _____

8. Is all manifested PCB waste that is temporarily stored by the transporter, shipped off-site within 10 days or less? n/a Yes___No___
[761.3 - Definition of "Transfer facility"]

If no, Explain: _____

9. Does all the following information appear on the manifest? n/a
[761.207 and 761.208]

(a) Manifest document number Yes___No___
(b) Generator's name, address, telephone number, EPA ID Number Yes___No___
(c) Generator's signature Yes___No___
(d) Transporter's name and EPA ID Number Yes___No___
(e) Transporter's signature and date Yes___No___
(f) Secondary transporter information Yes___No___N/A___
(g) Disposal facility name, address, telephone number, EPA ID Number Yes___No___

UNITED STATES
ENVIRONMENTAL PROTECTION AGENCY
REGION 6
DALLAS, TEXAS

'94 JAN 10 AM 10:07
REGIONAL HEARING CLERK
EPA REGION VI

IN RE:	)	TSCA DOCKET NO. VI-594C
	)	
PHELPS DODGE REFINING CORP.	)	
EL PASO, TEXAS	)	CONSENT AGREEMENT AND
	)	CONSENT ORDER
RESPONDENT	)	

I.

PRELIMINARY STATEMENT

1. This proceeding for the assessment of a civil penalty was instituted pursuant to Section 16(a) of the Toxic Substances Control Act ("TSCA"), 15 U.S.C. § 2615. This proceeding was instituted by the issuance of a Complaint and Notice of Opportunity for Hearing ("Complaint") dated June 30, 1993. The Complaint charged Respondent with violating TSCA, and the regulations promulgated pursuant to TSCA.

2. Respondent admits the jurisdictional allegations of the Complaint; however, Respondent neither admits nor denies the specific factual allegations contained in the Complaint or the Findings of Fact and Conclusions of Law contained in this Consent Agreement and Consent Order ("CACO"). The Complaint states a claim upon which relief can be granted.

3. Respondent expressly waives its right to request a hearing on any issue of law or fact set forth herein and waives all defenses which have been raised or could have been raised to the claims set out in the Complaint.

4. Respondent consents to the issuance of the CACO hereinafter recited and consents to the assessment and payment of the stated civil penalty in the amount and by the method set out in this CACO.

II.

FINDINGS OF FACT AND CONCLUSIONS OF LAW

5. Respondent is Phelps Dodge Refining Corporation, a corporation incorporated under the laws of the State of New York and authorized to do business in El Paso, Texas.

6. Respondent is a "person" as that term is defined in 40 C.F.R. § 761.3 and as such is subject to Part 761 of the regulations, 40 C.F.R. § 761.1(b).

7. Respondent is the owner and operator of a copper refining facility in El Paso, Texas, which has used PCBs and PCB Items.

8. On or about July 7, 1992, Respondent's El Paso, Texas, facility was inspected by a representative of EPA, Mr. Peter M. Tadin, pursuant to Section 11 of TSCA, 15 U.S.C. § 2610.

9. On or about July 7, 1992, a written notice of inspection was issued to a representative of the Respondent, Mr. George L. Bailey, as required by Section 11(a) of TSCA, 15 U.S.C. § 2610(a).

10. At the time of the July 7, 1992, inspection, the facility had four (4) PCB Transformers remaining in service, namely S/N E694616A, S/N C503443, S/N F962067B and S/N E694616B. The facility had disposed of two (2) PCB Transformers, namely S/N 7147582 and G858933B and two (2) PCB Large High Voltage Capacitors and had reclassified four (4) PCB Transformers, namely S/N G858933A, S/N T57355B, S/N F964580B and S/N F964580A.

11. "Askarel" and "Pyranol" are trade names used to denote dielectric fluid which contains Polychlorinated biphenyls (PCBs) in concentrations of 500 ppm or greater.

12. The transformers identified in paragraph 10 contain or did contain either "Askarel" or "Pyranol" dielectric fluid.

13. "PCB Transformer" is defined in 40 C.F.R. § 761.3 as any transformer that contains 500 parts per million [ppm] PCBs or greater.

14. The four in-service transformers and the four reclassified transformers identified in paragraph 10 are or were "PCB Transformers" as defined by 40 C.F.R. § 761.3.

15. The two (2) transformers disposed of, as identified in paragraph 10, were "PCB Transformers" as defined in 40 C. F. R. § 761.3.

16. "PCB-Contaminated Electrical Equipment" is defined in 40 C.F.R. § 761.3 as any electrical equipment, including but not limited to transformers, capacitors, circuit breakers, reclosers, voltage regulators, switches, electromagnets, and cable that contain 50 ppm or greater PCB, but less than 500 ppm PCB. Oil-filled electrical equipment other than circuit breakers, reclosers, and cable whose PCB concentration is unknown must be assumed to be PCB-Contaminated Electrical Equipment.

17. "Large High Voltage Capacitor" is defined in 40 C.F.R. § 761.3 as a capacitor which contains 1.36 kg (3 lbs.) or more of dielectric fluid and which operates at 2,000 volts (a.c. or d.c.) or above.

18. The two (2) PCB Large High Voltage Capacitors described in paragraph 10 are or were "PCB-Contaminated Electrical Equipment" and "Large High Voltage Capacitors" as those terms are defined in 40 C.F.R. § 761.3.

19. "PCB Article" is defined in 40 § C.F.R. § 761.3 as any manufactured article, other than a PCB Container, that contains PCBs and whose surfaces have been in direct contact with PCBs.

20. "PCB Item" is defined in 40 C.F.R. § 761.3 as any PCB Article, PCB Article Container, PCB Container, or PCB Equipment, that deliberately or unintentionally contains or has a part of it any PCB or PCBs.

21. The ten (10) PCB Transformers and the two (2) PCB Large High Voltage Capacitors described in paragraph 10 are or were "PCB Articles" and "PCB Items" as those terms are described in 40 C.F.R. § 761.3.

22. 40 C.F.R. § 761.30 authorizes, with certain conditions, the use of PCBs in transformers.

23. 40 C.F.R. § 761.30(a)(1)(vi) requires that as of December 1, 1985, all PCB Transformers (including PCB Transformers in storage for reuse) must be registered with fire response personnel with primary jurisdiction.

24. At the time of the July 7, 1992 inspection, the Respondent had failed to register its PCB Transformers described in paragraph 10 with the fire response personnel with primary jurisdiction by December 1, 1985.

25. 40 C.F.R. § 761.30(a)(1)(ix) requires that a visual inspection of each PCB Transformer in use or stored for reuse shall be performed at least once every 3 months.

26. 40 C.F.R. § 761.30(a)(1)(xii) requires that records of inspection and maintenance history for PCB Transformers shall be prepared and maintained at least three years after disposing of PCB Transformers and shall be made available for inspection upon request by EPA.

27. At the time of the July 7, 1992, inspection, the Respondent had failed to prepare and maintain and make available during the inspection, the records of inspection and maintenance for the first quarter of 1983 for the PCB Transformers with serial numbers C503443, 7147582, G858933A, E694616A, E694616B, and F962067B.

28. 40 C.F.R. § 761.30(a)(1)(xii) requires that records of inspection and maintenance history shall be maintained and shall be made available for inspection, upon request by EPA. These records shall include inter alia, the person performing the inspection [40 C.F.R. § 761.30(a)(1)(xii)(C)]; an estimate of the amount of dielectric fluid released from any leak [40 C. F. R. § 761.30(a)(1)(xii)(E)]; and a description of any cleanup, containment, or repair performed [40 C. F. R. § 761.30(a)(1)(xii)(G)].

29. At the time of the July 7, 1992, inspection, the Respondent failed to include in its inspection and maintenance records for PCB Transformer S/N E694616A the person

performing the inspection in the April 1, 1981, through October 2, 1981, and June 22, 1983, through May 29, 1987, entries, excluding the May 30, 1986, and the June 30, 1986, entries; failed to include the amount of dielectric fluid released from leaks on March 23, 1982, and September 21, 1984; and failed to include a description of cleanup, containment or repair performed for transformer leaks on March 23, 1982, May 21, 1982, and June 25, 1982.

30. At the time of the July 7, 1992, inspection, the Respondent failed to include in its inspection and maintenance records for PCB Transformer S/N 7147582 a description of cleanup, containment, or repair performed for a transformer leak on March 23, 1982.

31. At the time of the July 7, 1992, inspection, the Respondent failed to include in its inspection and maintenance records for PCB Transformer S/N G858933A a description of cleanup or repair performed for leaks on March 23, 1982, and April 8, 1982.

32. 40 C.F.R. § 761.60(d)(1) states that spills and other uncontrolled discharges of PCBs at concentrations of 50 ppm or greater constitute the disposal of PCBs.

33. "Disposal" is defined in 40 C. F. R. § 761.3 as intentionally or accidentally to discard, throw away, or otherwise terminate the useful life of PCBs or PCB Items. Disposal includes spills, leaks, and other uncontrolled discharges of PCBs as well as

actions related to containing, transporting, destroying, degrading, decontaminating, or confining PCBs and PCB Items.

34. 40 C.F.R § 761.60(a) requires that PCBs at concentrations of 50 ppm or greater must be disposed of in an incinerator that complies with 40 C.F.R § 761.70, in a chemical waste landfill that complies with 40 C.F.R. § 761.75, or a high efficiency boiler that meets certain criteria.

35. At the time of the July 7, 1992, inspection, PCB Transformer S/N E694616B had leaked or spilled PCBs at a concentration of 679,981 ppm into a bucket hanging from the drain valve.

36. At the time of the July 7, 1992, inspection, PCB Transformer S/N E694616A had leaked or spilled PCBS at a concentration of 974,331 ppm into a bucket hanging from the drain valve.

37. 40 C.F.R. § 761.65(a) requires that any PCB Article or PCB Container stored for disposal after January 1, 1983, shall be removed from storage and disposed of as required by subpart D of this part within one year from the date when it was first placed into storage.

38. "Storage for Disposal" is defined in 40 C.F.R. § 761.3 as temporary storage of PCBs that have been designated for disposal.

39. Respondent's reconstructed 1987 Annual Document lists, under "PCB Large Capacitors - Removed from Service and placed into storage for disposal," a capacitor with serial number F232040. This PCB Large Capacitor was listed as containing 5.73 kg of PCB

fluid, had been in storage since July 17, 1985, and was disposed of on August 1, 1987. Respondent failed to dispose of the above mentioned PCB Large Capacitor within one year from the date it was placed into storage.

40. 40 C.F.R. § 761.180(a) [1989] states that each owner or operator of a facility using or storing at one time at least 45 kilograms (99.4 pounds) of PCBs contained in PCB Container(s) or one or more PCB Transformers, or 50 or more PCB Large High or Low Voltage Capacitors shall develop and maintain records on the disposition of PCBs and PCB Items. These records shall form the basis of an Annual Document prepared for each facility by July 1 covering the previous calendar year.

41. Review of the Respondents documents indicates that for the latter half of 1978 and calendar years 1979 through 1988, Respondent used or stored PCBs in excess of the amounts referenced in paragraph 40.

42. At the time of July 7, 1992, inspection, the Respondent had failed to prepare Annual Documents for 1979, 1980, 1987, and 1988 by July 1 of the respective following years.

43. 40 C.F.R. § 761.180(a)(1) [1989] states that the Annual Document shall include the dates when PCBs and PCB Items are removed from service.

44. 40 C.F.R. § 761.180(a)(1)(i) [1989] states that the Annual Document shall include the weights in kilograms of PCBs and PCB Items in PCB Containers placed into storage for disposal.

45. 40 C.F.R. § 761.180(a)(2) [1989] states that the Annual Document shall include for PCBs and PCB Items removed from service, the location of the initial disposal or storage facility and the name of the owner or operator of the facility.

46. 40 C.F.R. § 761.180(a)(3)(ii) [1989] states that the Annual Document shall include for PCBs and PCB Items remaining in service at the end of the calendar year, the total number of PCB Transformers and total weight in kilograms of any PCBs contained in the transformers.

47. Review of the documents referred to in paragraph 41 indicates that the Respondent did not record in its 1987 Annual Document the dates when PCB Large High Voltage Capacitors (serial numbers F232040 and F232026) were removed from service and placed into transport for disposal; did not record in the 1988 Annual Document the dates when 31,965 kgs of PCB waste were removed from service and placed into transport for disposal; did not record the total weight in kilograms of PCBs and PCB Items in PCB Containers, and the identification of container contents removed from service and placed into transport for disposal in the 1982, 1985, 1987 and 1988 Annual Documents; did not list for PCBs and PCB Items removed from service, the location of the initial disposal or storage facility and the name of the owner or operator of the facility in the 1982, 1987 and 1988 Annual Documents; and did not list the total number of PCB Transformers remaining in service and the total weight in kilograms of PCBs in the transformers in the 1978 through 1988 Annual Documents.

48. 40 C.F R. § 761.180(a) [1989] and 40 C.F.R. § 761.180(a) [1990] state that each owner or operator of a facility using or storing at one time at least 45 kilograms (99.4 pounds) of PCBs contained in PCB Containers(s) or one or more PCB Transformers, or 50 or more PCB Large High or Low Voltage Capacitors shall develop and maintain annual records. These records shall form the basis of an Annual Document [1989] or Annual Document Log [1990] prepared for each facility by July 1 covering the previous calendar year.

49. Review of the Respondents documents indicates that for the calendar years of 1989, 1990 and 1991 Respondent used or stored PCBs in excess of the amounts referenced in paragraph 48.

50. At the time of the July 7, 1992, inspection, the Respondent had failed to develop and maintain an Annual Document for 1989.

51. At the time of the July 7, 1992, inspection, the Respondent had failed to develop and maintain an Annual Document Log for 1990.

52. At the time of the July 7, 1992, inspection, the Respondent had failed to develop and maintain an Annual Document Log for 1991.

53. Failure or refusal to comply with any rule promulgated, or order issued, under Section 6 of T S C A, 15 U. S. C. § 2605, constitutes an unlawful act under Section 15 (1) (C) of TSCA, 15 U. S. C. § 2614(1)(C).

54. Therefore, Respondent has violated Section 15(1)(C) of TSCA, 15 U.S.C. 2614(1)(C), by (1) failing to register its PCB

Transformers with fire response personnel with primary jurisdiction, as required by 40 C.F.R. § 761.30(a)(1)(vi); (2) failing to prepare and maintain and make available during the inspection, the records of inspection and maintenance for the first quarter of 1983 for the PCB Transformers with serial numbers C503443, 7147582, G858933A, E694616A, E694616B and F962067B, as required by 40 C. F. R. § 761.30 (a) (1) (xii); (3) failing to include in the records of inspection and maintenance for PCB Transformers with serial numbers E694616A, 7147582, and G858933A all of the information required by 40 C.F.R. § 761.30(a)(1)(xii); (4) by improperly disposing of PCBs in concentrations greater than 50 ppm, as required by 40 C.F.R. § 761.60(a); (5) failing to dispose of a PCB Article within one year from the date it was placed into storage for disposal, as required by 40 C. F. R. § 761.65(a); (6) by (a) failing to record in its 1987 Annual Document the dates when PCB Large High Voltage Capacitors (serial numbers F232040 and F232026) were removed from service and placed into transport for disposal; (b) failing to record in the 1988 Annual Document the dates when 31,965 kgs. of PCB waste were removed from service and placed into transport for disposal; (c) failing to record the total weight in kilograms of PCBs and PCB Items in PCB Containers, and the identification of container contents removed from service and placed into transport for disposal in the 1982, 1985, 1987 and 1988 Annual Documents; (d) failing to record for PCBs and PCB Items removed from service, the location of the initial disposal or storage facility and the

name of the owner or operator of the facility in the 1982, 1987 and 1988 Annual Documents; and (e) failing to record the total number of PCB Transformers remaining in service and the total weight in kilograms of PCBs in the transformers in the 1978 through 1988 Annual Documents, as required by 40 C.F R. § 761.180(a) [1989]; and (7) failing to develop and maintain an Annual Document for 1989, and Annual Document Logs for 1990 and 1991, as required by 40 C.F.R. § 761.180(a) [1989] and 40 C.F.R. § 761.180(a) [1990]; rules promulgated pursuant to Section 6 of TSCA, 15 U. S. C. § 2605.

III.

COSTS

Each party shall bear its own costs and attorneys fees.

IV.

TERMINATION OF CACO

All obligations under this CACO shall terminate upon payment of the penalty by the Respondent.

V.

CONSENT ORDER

Pursuant to the authority granted in Section 16 of TSCA, 15 U. S. C. 2615, and upon consideration of the entire record herein, including the above Findings of Fact and Conclusions of Law, which are hereby adopted and made a part hereof, and upon consideration of the nature, circumstances, extent and gravity of the alleged violations, and with respect to the Respondent, the ability to pay, effect on its ability to continue to do business, any history of

prior PCB violations, the degree of culpability, and other factors as justice may require, it is ORDERED that Respondent be assessed a civil penalty of TWENTY-SEVEN THOUSAND, TWO HUNDRED DOLLARS ($27,200.00).

The payment shall be made by mailing a money order, cashier's check, or certified check payable to Treasurer of the United States of America, within thirty (30) days of the effective date of this CACO to the following address:

Regional Hearing Clerk (6C)
U.S. E.P.A., Region 6
P. O. Box 360582M
Pittsburgh, Pennsylvania 15251

TSCA Docket No. VI 594C shall be clearly typed on the check to ensure proper credit.

Respondent shall send simultaneous notices of such payments, including copies of the money order, cashier's check, or certified check to the following:

Ms. Donna Mullins, Environmental Life Scientist, 6T-PT
Toxics Section
U.S. EPA, Region 6
1445 Ross Avenue
Dallas, Texas 75202-2733

Adherence to this request will ensure proper credit is given when penalties are received.

If EPA does not receive payment within thirty (30) days of the due date, interest will accrue on the amount due from the due date at the current annual rate prescribed and published by the Secretary of the Treasury in the Federal Register and the Treasury Fiscal Requirements Manual Bulletin per annum through the date of payments.

If the payment is overdue, EPA will also impose a late payment handling charge of $15, with an additional delinquent notice charge of $15 for each subsequent thirty (30) day period. Finally, EPA will apply a six (6) percent per annum penalty on any principal amount not paid within ninety (90) days of the due date.

Other penalties for failure to make a timely payment may also apply.

Payment of TWENTY-SEVEN THOUSAND, TWO HUNDRED DOLLARS ($27,200) shall be made within thirty (30) days of the effective date of this CACO.

Date: Dec. 21, 1993

Phelps Dodge Refining Corporation
Henry W. Konerko

Date: Jan 6, 1994

A. Stanley Meiburg
Director
Air, Pesticides and Toxics Division
Region 6

This Consent Agreement and Consent Order is hereby adopted and issued pursuant to Section 16 of TSCA, 15 U. S. C. 2615, and the Consolidated Rules of Practice Governing the Administrative Assessment of Civil Penalties, 40 C. F. R. Part 22.

It is so ORDERED. This Order shall become effective immediately.

Date: Jan 6, 1994

Regional Administrator

CERTIFICATE OF SERVICE

I hereby certify that on the 19th day of January, 1994, the original of the foregoing Consent Agreement/Consent Order was hand delivered to the Regional Hearing Clerk, U. S. EPA - Region 6, 1445 Ross Avenue, First Interstate Bank Tower, Dallas, Texas 75202-2733, and that a true and correct copy was placed in the United States Mail, certified mail, return receipt requested, addressed to the following:

US Corporations Company
Registered Agent for
Phelps Dodge Refining Corp.
807 Brazos
Austin, TX 78701

Cert. # P 373 363 544

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