UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 4
ATLANTA FEDERAL CENTER
61 FORSYTH STREET
ATLANTA, GEORGIA 30303-8960

August 29, 2023

Ms. Carolyn Hoskinson
Director
Office of Resource Conservation and Recovery
U.S. Environmental Protection Agency
William Jefferson Clinton Building
1200 Pennsylvania Avenue, N.W., 5301P
Washington, D.C. 20460

Re: Issuance of PCB Disaster Waste Guidance

Dear Ms. Hoskinson:

Due to the severe weather predicted from Hurricane Idalia and the emergency provisions in the polychlorinated biphenyl (PCB) regulations not in effect, the Environmental Protection Agency, Region 4, is providing notice to your office of our intent to issue the enclosed 2023 storm systems guidance concerning the cleanup of PCB-containing disaster waste.

If you have any questions, please contact me at 404-562-9744 or Terri Crosby-Vega, PCB Regional Coordinator at 404-562-8497.

Sincerely,

RAMON TORRES
Digitally signed by RAMON TORRES
Date: 2023.08.29 14:17:50 -04'00'

Ramon Torres
Acting Director
Land, Chemicals and Redevelopment Division

Enclosure

cc: Amanda Kohler, EPA HQ/OLEM/ORCR
Devi Chandrasekaran, EPA HQ/OGC/PTSLO
Bob Caplan, EPA R4 ORC

EPA REGION 4
2023 STORM SYSTEMS
POLYCHLORINATED BIPHENYL (PCB)
DISASTER WASTE CLEANUP GUIDANCE

Considering the damaging impacts from the Hurricane Idalia that may include tornados and storm surge, the Environmental Protection Agency Region 4 is providing this guidance on the cleanup and disposal of PCB-containing waste. The EPA Region 4 guidance, on the cleanup and disposal of PCB-containing waste generated during the Hurricane Idalia, is through October 31, 2023, for all Region 4 states impacted by this storm system.

This guidance applies to PCB remediation wastes, which are wastes containing PCBs as a result of spills, releases, or other unauthorized disposals, with specified limitations on PCB concentrations and disposal dates. PCB remediation wastes include, but are not limited to, contaminated environmental media, such as soil and gravel, and buildings and other man-made structures, such as concrete floors, wood floors, and walls contaminated from leaking transformers containing PCBs at or over 50 ppm (40 CFR § 761.3). Responsible parties have the option of using either the Spill Cleanup Policy (an enforcement policy under 40 CFR Part 761, Subpart G) or the PCB remediation waste cleanup and disposal regulations under 40 CFR § 761.61 to clean up and dispose of PCB remediation waste, as applicable.

This guidance also addresses PCB bulk product wastes, defined as wastes derived from manufactured products containing PCBs in a non-liquid state, including non-liquid bulk wastes or debris from the demolition of buildings and other man-made structures manufactured, coated, or serviced with PCBs (with certain exceptions) and PCB-containing construction materials such as caulking, dried coatings, adhesives, and insulation, among other materials (40 CFR § 761.3).

Cleanup under the Spill Cleanup Policy

The PCB Spill Cleanup Policy is intended for recent spills of liquid PCBs of 50 ppm or greater. Under the Policy, the concentration of PCBs used for determining cleanup and disposal obligations is the PCB concentration in the material spilled as opposed to the concentration of PCBs in the material onto which the PCBs were spilled (i.e., the as-found concentration). However, the EPA Region 4 has found that 40 CFR § 761.120(a)(4) provides flexibility to modify this provision of the PCB Spill Cleanup Policy based on the exceptional spill situations expected to be caused by Hurricane Idalia, namely, the impracticability of cleanup based on source concentration when it is not possible to locate the source of the spill at a site or otherwise readily determine the source's PCB concentration. Region 4 also believes that it will be important for responders to be able to rapidly mitigate exposures and potential risks from PCB spills, and the Region has found that, given the likely need for responders to quickly address emergency-related situations in a compressed timeframe, exposure and risk could be increased if cleanup is delayed in attempting to identify the concentration of the source of the spill. Therefore, cleanup and disposal of PCB wastes based on the as-found concentrations in the spill materials is permissible for actions taken directly in response to conditions caused by Hurricane Idalia when it is not possible to readily determine the spill source concentration at a site. This modification to the Spill Cleanup Policy may only be used on spills caused by the conditions resulting from Hurricane Idalia.

In addition to other applicable limitations, the Spill Cleanup Policy generally requires that specific actions be taken within 24-48 hours after the responsible party was notified or became aware of the

spill. However, when the Policy is used for cleanup activities in response to Hurricane Idalia, cleanups may occur beyond the specified time period as circumstances require for the duration of the adverse conditions (see 40 CFR § 761.125(b)(2) and § 761.125(c)(1)).

The PCB Spill Cleanup Policy requires the boundaries of a spill to be determined using a statistically based sampling scheme when there are insufficient visible traces of the spill but there is evidence that a spill or leak has occurred. Responsible parties should consult the existing guidance "Field Manual for Grid Sampling of PCB Spill Sites to Verify Cleanup," which is available online at https://www.epa.gov/pcbs/policy-guidance-manuals-cleanups-polychlorinated-biphenyls-pcbs-spills.

The PCB Spill Cleanup Policy specifies spill cleanup levels and also requires that "all concentrated soils, solvents, rags, and other materials resulting from the cleanup of PCBs under this policy shall be properly stored, labeled, and disposed of in accordance with the provisions of subpart D of this part," including 40 CFR § 761.61. See 40 CFR § 761.125(a)(2).

Cleanup under 40 CFR § 761.61

The cleanup and disposal options for PCB remediation waste listed under 40 CFR § 761.61 are also available to responsible parties cleaning up after Hurricane Idalia. Per the regulations, responsible parties conducting cleanups under 40 CFR § 761.61 are allowed to implement temporary emergency measures to prevent, treat, or contain further releases or mitigate migration to the environment of PCBs or PCB remediation waste. Thus, a responder may lawfully take emergency measures in the context of a cleanup that would otherwise not be in full compliance with generally applicable PCB remediation waste requirements, such as the 30-day advance requirement for notifications under 40 CFR § 761.61(a).

PCB remediation wastes must be cleaned up and disposed of in accordance with self-implementing, performance-based, or risk-based requirements in 40 CFR § 761.61 and must be cleaned up and disposed of based on the as-found concentration of the waste. For example, when cleaning up a spill of PCB-Contaminated Electrical Equipment, the responsible party must clean up and dispose of soil and debris contaminated with PCB-containing oil based on the as-found concentration of PCBs. The concentration of bulk PCB remediation waste (such as soil) that is stockpiled while implementing temporary emergency measures to prevent, treat, or contain further releases or mitigate migration to the environment prior to characterization may be calculated based on a representative sample of excavated wastes (e.g., waste placed in a roll-off container or pile), as opposed to in-situ sampling.

If the responsible party has bulk PCB remediation waste to dispose of, but does not wish to sample it, the responsible party must assume it contains ≥ 50 ppm PCBs (§ 761.61(a)(5)(i)(B)(2)(i)) and send it to a hazardous waste landfill permitted under RCRA or a PCB disposal facility approved under 40 CFR Part 761, such as a TSCA chemical waste landfill (§ 761.61(a)(5)(i)(B)(2)(iii)).

PCB Bulk Product Waste Reinterpretation & Cleanup

In October 2012, the EPA issued the PCB bulk product waste reinterpretation,[1] which provides for building materials coated or serviced with PCB bulk product waste (e.g., caulk, paint, mastics, sealants) at the

[1] October 24, 2012 memorandum entitled "PCB Bulk Product Waste Reinterpretation" sent from Suzanne Rudzinski, Director, Office of Resource Consideration and Recovery, to Regional TSCA and RCRA Division Directors, EPA Regions 1-10, available at https://www.epa.gov/sites/production/files/2016-01/documents/wste-memo_102412.pdf.

time of designation for disposal to be managed as PCB bulk product waste, even if the PCBs have migrated from the overlying bulk product waste into the substrate, provided there is no other source of PCB contamination on or in the substrate. The time of designation for disposal is the time the material is considered to be a waste (e.g., prior to building demolition).[2] Thus, the PCB bulk product waste reinterpretation may provide for building materials coated or serviced with PCB bulk product waste in buildings that sustain storm damage to be managed as PCB bulk product waste. The reinterpretation accounts for the possibility that, during a cleanup or demolition, PCB bulk product waste could separate from the contaminated building material before all of the waste is physically placed in the final disposal facility. However, if the PCB material has already been removed or flaked off at the time of designation for disposal, the building material will be deemed a PCB remediation waste.

PCB bulk product waste may be disposed of in non-hazardous waste landfills in accordance with 40 CFR § 761.62(b) and as permitted by state regulations. Disposal in this manner does not require EPA approval. However, the EPA recommends checking state regulations, which may prohibit or limit disposal of PCB bulk product waste in solid waste landfills. The EPA also recommends determining prior to shipment that the landfill is willing and able to accept the PCB waste. Anyone sending PCB bulk product waste to a non-hazardous waste landfill permitted by a state must send written notice to the landfill prior to shipment of the waste stating that the waste contains PCBs of 50 ppm or greater and identify at what level the waste is known or presumed to leach (i.e. < 10 μg/L or ≥ 10 μg/L) (see 40 CFR § 761.62(b)(4)).

Disaster Debris Recovery Tool

The EPA has developed an interactive mapping tool of 12 types of recyclers and landfills that manage disaster debris. The tool can be used by disaster response, recovery and planning experts to advance the safe recovery, recycling, and disposal of disaster debris.

https://www.epa.gov/large-scale-residential-demolition/disaster-debris-recovery-tool

Please contact Terri Crosby-Vega, Region 4 PCB Coordinator, with any questions at crosby-vega.terri@epa.gov or at 404-562-8497.

[2] See, e.g., June 2014 Version of Revisions to the PCB Q and A Manual, p. 93, available at https://www.epa.gov/sites/production/files/2015-08/documents/qacombined.pdf.