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1320.	Treated Hazardous Waste Used as Dust Suppressant	FEB 28, 2019
1321.	Decharacterized RCRA Waste - Manifesting and LDR Reporting	ENCORE MAR 7, 2019
1322.	Decharacterized Hazardous Waste Listed Solely for Non-Toxic Characteristics	ENCORE MAR 14, 2019
1323.	Decharacterized Wastes, ≤90-Day Accumulation Time Limits and LDR Storage Prohibition	ENCORE MAR 21, 2019
1324.	Decharacterized Wastes and the LDR Dilution Prohibition	ENCORE MAR 28, 2019
1325.	PCB Decontamination Standard with No Decontamination Performed	ENCORE APR 4, 2019
1326.	PCB Manifest Relief a.k.a., When is a PCB Manifest Not Required?	ENCORE APR 11, 2019
1327.	PCB Manifest Relief a.k.a., When is a PCB Manifest Not Required? – The Sequel	ENCORE APR 18, 2019
1328.	PCB Concentrations and Micrograms per Centimeters Squared (µg/cm ²)	ENCORE APR 25, 2019
1329.	Operating Record vs. Operating Log	ENCORE MAY 2, 2019
1330.	Operating Records Not Referenced in the “Operating Record” Regulations	ENCORE MAY 9, 2019
1331.	Washington State Used Oil and Mixtures with Other Materials	ENCORE MAY 16, 2019
1332.	Used Oil Filter Regulation – The Feds vs. Washington State	ENCORE MAY 23, 2019
1333.	Printed Circuit Board Recycling – Shredded vs. Whole	ENCORE MAY 30, 2019
1334.	Universal Waste Alkaline Batteries and Self-Transportation	ENCORE JUN 6, 2019
1335.	Universal Waste Lithium Batteries and Self-Transportation	ENCORE JUN 13, 2019
1336.	RCRA Hazard Labeling – A Random Scenario	ENCORE JUN 20, 2019
1337.	Regulatory Status of Chromated, Copper, Arsenate, (CCA) Wood as Wood Mulch	ENCORE JUN 27, 2019
1338.	Unused Paraformaldehyde - U Listed Hazardous Waste or Not?	ENCORE JUL 3, 2019
1339.	The Hazardous Waste Characteristic of Reactivity (D003)	ENCORE JUL 11, 2019
1340.	Central Accumulation Areas and Signage Requirements	ENCORE JUL 18, 2019
1341.	RCRA EPA Identification Numbers – Site Specifics	ENCORE JUL 25, 2019
1342.	RCRA EPA Identification Numbers – Transporters	ENCORE AUG 1, 2019
1343.	Paint Wastes and the Applicability of the F001-F005 Listings to Ingredients	ENCORE AUG 8, 2019
1344.	F Listings and Ingredients in Commercial Chemical Product Formulations	ENCORE AUG 15, 2019
1345.	PCB Containers and ≥50 ppm	ENCORE AUG 22, 2019
1346.	CERCLA Hazardous Substances – The Petroleum Exclusion	ENCORE AUG 29, 2019
1347.	PCB Concentration Assumptions for Use vs. PCB Disposal	ENCORE SEP 5, 2019
1348.	RCRA LR One-Year Storage Prohibition vs., PCB One-Year Disposal Time Limit	ENCORE SEP 12, 2019
1349.	Regulatory Status of PCB Remediation Wastes Disposed Prior to April 18, 1978	ENCORE SEP 19, 2019
1350.	Regulatory Status of PCB Remediation Wastes Disposed Prior to April 18, 1978 – A Follow-Up	ENCORE SEP 26, 2019

TWO MINUTE TRAINING

TO: CH2M HILL PLATEAU REMEDIATION COMPANY

FROM: PAUL W. MARTIN, RCRA Subject Matter Expert
CHPRC Environmental Protection, Hanford, WA

SUBJECT: REGULATORY STATUS OF PCB REMEDIATION WASTES DISPOSED PRIOR TO APRIL 18, 1978 – A FOLLOW-UP

DATE: SEPTEMBER 26, 2019

CHPRC Projects	CH PRC - Env. Protection	MSA	Hanford Laboratories	Other Hanford Contractors	Other Hanford Contractors
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TWO MINUTE TRAINING

SUBJECT: Regulatory Status of PCB Remediation Wastes Disposed Prior to April 18, 1978 – A Follow-Up

Q: Last week's Two Minute Training (2MT), stated that PCB materials disposed prior to April 18, 1978, and currently ≥ 50 ppm PCBs, regardless of the concentration of the original spill, are regulated as PCB remediation waste. Since the customer's PCB waste was disposed of prior to the effective date regulating PCB wastes, why did the customer remediate the PCB site and what would have happened if the customer had decided to leave the PCB waste undisturbed (disposed)?

A: According to the June 2014 PCB Question and Answer Manual on page 41, question 8:

"Q: Is a facility required to clean up soil with >50 ppm PCBs if the soil was contaminated from a pre-1978 spill? If the soil is cleaned, is it subject the remediation waste requirements in §761.61(a)?"

A: The regulations do not require you to clean up soil contaminated prior to 1978, unless the Regional Administrator first determines that an unreasonable risk exists. However, if you voluntarily decide to clean up the contaminated soil, then you must follow the requirements in §761.61."

The regulations supporting this PCB Q&A are found at 40 CFR 761.50(b)(3)(i)(A) and (B). Subparagraph (i)(A) states that sites containing PCB remediation wastes disposed prior to April 18, 1978, are presumed by EPA to not present an unreasonable risk of injury to health or the environment from exposure to PCBs at the site. However, EPA may inform the owner or operator that the site may present an unreasonable risk and require the PCB generator to characterize the risk. If EPA determines that an unreasonable risk exists, then the owner or operator may be required to dispose of the PCB waste according to 40 CFR 761.61, "PCB remediation waste".

Subparagraph (i)(B), basically states that if a PCB generator chooses to remediate a site containing PCB remediation waste disposed prior to April 18, 1978, e.g., to obtain insurance or to sell the property, the PCB generator is not required to clean up the site per 40 CFR 761.61, e.g., meet a cleanup standard, but is required to dispose of the excavated waste per 40 CFR 761.61. If the PCB generator chooses not to cleanup per 40 CFR 761.61, EPA may still enforce applicable PCB regulations for that waste.

Therefore, the customer chose to remediate the PCB waste site containing PCB waste disposed prior to April 18, 1978. The customer could have left the PCB waste as disposed, unless EPA determined that the site posed an unreasonable risk, which would require disposal per 40 CFR 761.61.

SUMMARY:

- PCB wastes disposed prior to April 18, 1978, are not subject to 40 CFR 761.
- A PCB generator is not required to remediate a pre-1978 PCB waste site unless there is an unreasonable risk.
- If the PCB generator chooses to remediate the PCB waste site, the disposal is subject to 40 CFR 761.61.

40 CFR 761.50(b)(3)(i)(A) and (B) are attached to the e-mail. If you have any questions, please contact me at [Paul W Martin@rl.gov](mailto:Paul_W_Martin@rl.gov) or at (509) 376-6620.

FROM: Paul W. Martin

DATE: 9/26/19

FILE: 2MT\2019\092619.rtf

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TWO MINUTE TRAINING – ATTACHMENT

SUBJECT: Regulatory Status of PCB Remediation Wastes Disposed Prior to April 18, 1978 – A Follow-Up

40 CFR Part 761.50

(b) PCB Waste -

(3) *PCB remediation waste.* PCB remediation waste, including PCB sewage sludge, is regulated for cleanup and disposal in accordance with §761.61.

(i) Any person responsible for PCB waste at as-found concentrations ≥ 50 ppm that was either placed in a land disposal facility, spilled, or otherwise released into the environment prior to April 18, 1978, regardless of the concentration of the spill or release; or placed in a land disposal facility, spilled, or otherwise released into the environment on or after April 18, 1978, but prior to July 2, 1979, where the concentration of the spill or release was ≥ 50 ppm but < 500 ppm, must dispose of the waste as follows:

(A) Sites containing these wastes are presumed not to present an unreasonable risk of injury to health or the environment from exposure to PCBs at the site. However, the EPA Regional Administrator may inform the owner or operator of the site that there is reason to believe that spills, leaks, or other uncontrolled releases or discharges, such as leaching, from the site constitute ongoing disposal that may present an unreasonable risk of injury to health or the environment from exposure to PCBs at the site, and may require the owner or operator to generate data necessary to characterize the risk. If after reviewing any such data, the EPA Regional Administrator makes a finding, that an unreasonable risk exists, then he or she may direct the owner or operator of the site to dispose of the PCB remediation waste in accordance with §761.61 such that an unreasonable risk of injury no longer exists.

(B) Unless directed by the EPA Regional Administrator to dispose of PCB waste in accordance with paragraph (b)(3)(i)(A) of this section, any person responsible for PCB waste at as-found concentrations ≥ 50 ppm that was either placed in a land disposal facility, spilled, or otherwise released into the environment prior to April 18, 1978, regardless of the concentration of the spill or release; or placed in a land disposal facility, spilled, or otherwise released into the environment on or after April 18, 1978, but prior to July 2, 1979, where the concentration of the spill or release was ≥ 50 ppm but < 500 ppm, who unilaterally decides to dispose of that waste (for example, to obtain insurance or to sell the property), is not required to clean up in accordance with §761.61. Disposal of the PCB remediation waste must comply with §761.61. However, cleanup of those wastes that is not in complete compliance with §761.61 will not afford the responsible party with relief from the applicable PCB regulations for that waste.