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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
1351.	PCB Waste Regulation and April 18, 1978 vs. July 2, 1979	OCT 3, 2019

TWO MINUTE TRAINING

TO: CH2M HILL PLATEAU REMEDIATION COMPANY

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

SUBJECT: PCB WASTE REGULATION AND APRIL 18, 1978 VS. JULY 2, 1979

DATE: OCTOBER 3, 2019

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

SUBJECT: PCB Waste Regulation and April 18, 1978 vs. July 2, 1979

Q: The last couple of Two Minute Trainings (2MTs) have focused on the definition of PCB Remediation Waste. One part of the definition states that PCB remediation waste is regulated for cleanup and disposal if the PCB waste was "...placed in a land disposal facility, spilled or otherwise released to 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..." Why is there this 16-month period where PCBs are regulated in a narrow range of ≥ 50 ppm but < 500 ppm?

A: Funny thing.

In the May 24, 1977, Federal Register, EPA initially proposed regulating PCBs with a "cut-off" concentration of 500 ppm, i.e., any waste with PCB concentrations < 500 ppm would not be subject to PCB regulation. Then, in the February 17, 1978, Federal Register, EPA finalized the PCB regulations with the > 500 ppm cut-off, but stated:

"The Agency is aware that adverse health and environmental effects can result from exposure to PCB's at levels lower than 500 ppm; however, at this time the Agency is not establishing a level based on health effects or environmental contamination but rather at a level at which regulated disposal of most PCB's can be implemented as soon as possible."

However, between the proposed and final rules, EPA obtained more information on the impacts of PCB and therefore planned to propose a lower concentration of PCB's, "...possibly in the range of 50 ppm or below..."

In the May 31, 1979, Federal Register, EPA discussed lowering the cut-off point to ≥ 10 ppm or even ≥ 1 ppm. However, lowering the cut-off concentration to ≥ 10 ppm or ≥ 1 ppm would substantially increase the scope of disposal requirements especially for soil, debris, and solvents, which would add to the total quantity of waste disposed at PCB disposal facilities with already limited disposal capacity. EPA decided against lowering the concentration to ≥ 10 ppm or ≥ 1 ppm and instead lowered the cut-off to ≥ 50 ppm effective as of July 2, 1979.

The consequence of this 16-month difference in cut-off concentrations is that if a PCB waste was disposed prior to April 18, 1978, at any concentration, i.e., zero to 1,000,000 ppm; the generator does not have to remediate the disposal site unless EPA determines an unreasonable risk exists. If a PCB waste was disposed on April 18, 1978 but prior to July 2, 1979, with concentrations ≥ 50 ppm but < 500 ppm, the generator does not have to remediate the disposal site unless EPA determines an unreasonable risk exists. Note that if a PCB waste was disposed on July 2, 1979, with concentrations ≥ 50 ppm, that waste is PCB remediation waste and subject to remediation.

SUMMARY:

- The definition of PCB remediation waste includes date ranges prior to April 18, 1978, and a 16-month period from April 18, 1978, but prior to July 2, 1979.
- The 16-month period was due to EPA initially promulgating the PCB concentration cut-off at ≥ 500 ppm.
- Effective July 2, 1979, EPA lowered the PCB concentration cut-off from ≥ 500 ppm to the current cut-off of ≥ 50 ppm.

An excerpt from 40 CFR 761.50, Applicability, is 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: 10/3/19

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TWO MINUTE TRAINING – ATTACHMENT

SUBJECT: PCB Waste Regulation and April 18, 1978 vs. July 2, 1979

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.