



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C. 20460

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OFFICE OF
PREVENTION, PESTICIDES AND
TOXIC SUBSTANCES

Kenneth N. Klass
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One Logan Square
Philadelphia, PA 19103-6998

Dear Mr. Klass:

This responds to your letter of January 7, 1999, to Tony Baney, Chief of the Fibers and Organics Branch, asking for clarification of certain aspects of the PCB Disposal Amendments published June 29, 1998. Your questions and our responses are set out below.

1. Porous Concrete Surfaces

- (a) Does §761.30(p) apply to porous concrete surfaces which have been contaminated with PCB liquids having concentrations below 50 ppm?

No. EPA is in the process of promulgating a technical correction to §761.30(p) that would change ">10 $\mu\text{g}/100 \text{ cm}^2$ " to read " $\geq 50 \text{ ppm}$ ". This would clarify our intent that the use conditions of §761.30(p) apply to porous surfaces contaminated with spills of liquid PCBs at concentrations $\geq 50 \text{ ppm}$.

- (b) Does §761.30(p) apply to porous concrete surfaces which have been contaminated with PCB liquids having concentrations at or above 50 ppm where the surface concentration is at or below 10 $\mu\text{g}/100 \text{ cm}^2$?

Yes. As noted above, the technical correction to §761.30(p) would clarify EPA's intent that the use conditions of that section apply to porous surfaces contaminated with spills of liquid PCBs at concentrations $\geq 50 \text{ ppm}$, regardless of the surface concentration of PCBs on the porous surface.

- (c) What method or methods may be used to determine whether the porous concrete surface concentration is greater than 10 $\mu\text{g}/100 \text{ cm}^2$? Is wipe testing acceptable?

As the technical amendment to §761.30(p) will clarify, the surface concentration is irrelevant.

- (d) Do either the double coating or M₁ Mark requirements of §761.30(p) (iii) (A) (1) and (B) apply if the double rinse procedures specified in §761.30(p) (ii) (A) reduce the PCB concentration to 10 µg/100 cm² or less?

Yes. The coating and marking requirements in §761.30(p) apply to all porous surfaces contaminated with spills ≥50 ppm PCBs that will remain in use, no matter what the surface concentrations.

- (e) Does §761.30(p) apply where the PCB material which has contaminated the porous surface is of unknown origin and form? More specifically, does this regulation apply to the current owner of a facility who discovers that a concrete surface may have become contaminated with PCBs spilled by the previous owner? Assume for the purposes of this question that the current owner has no records or other information necessary to determine the origin, form or concentration of the spilled material and that the possibility of historic PCB contamination was discovered by analyzing non-PCB liquids which had been spilled onto an indoor concrete surface and absorbed with a "kitty litter" like material.

Concrete contaminated by spills of liquid PCBs at concentrations ≥50 ppm that is not managed in accordance with the conditions of §761.30(p) is not authorized for use. If you do not know the concentration of the original spill, EPA recommends that you manage the contaminated surface in accordance with §761.30(p) to ensure that you are in compliance.

2. PCB Remediation Waste

Is a manifest required to dispose of non-liquid remediation wastes which have concentrations below 50 ppm PCBs? An example is the "kitty litter" used to absorb spilled liquids containing PCBs. Does the answer differ depending on whether the concentration of the spilled PCB material was (a) below 50 ppm, (b) greater than 50 ppm, or (c) of unknown concentration and origin? If so, please explain. The final rule states that "any person cleaning up and disposing of PCBs managed under this section shall do so based on the concentration at which the PCBs are found:" §761.61. Using this principle as a guide, disposal requirements appear to be a function of the PCB

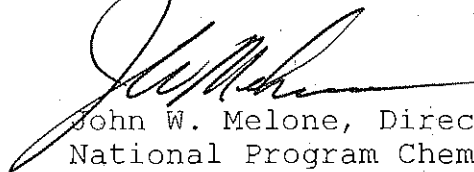
concentration of the material to be disposed of and not of the material spilled. Accordingly, it appears that no manifest would be required because the material to be disposed of has a concentration below 50 ppm.

Spilled liquids at concentrations ≥ 50 ppm PCBs are regulated as PCB liquids under §761.60(a), not as PCB remediation waste under §761.61. Absorbents used to clean up a spill of such liquids are regulated in the same manner as the liquid itself (see §761.50(a)(2)). For example, under §761.60(a)(1), "kitty litter" used to absorb a spill of mineral oil dielectric fluid ≥ 50 and < 500 ppm PCBs would have to be disposed of in a high efficiency boiler according to §761.71(a) or in an incinerator which complies with §761.70. Materials used to absorb spilled liquid PCBs, where the concentration of the spill was ≥ 50 ppm, constitute PCB waste and are subject to manifesting under subpart K regardless of the bulk PCB concentration of the "kitty litter".

You are responsible for properly disposing of PCB waste in accordance with the applicable regulations. If you do not know the PCB concentration of the spilled material, EPA recommends that you dispose of it based on an assumed concentration of ≥ 500 ppm.

I hope this information is helpful to you. If you wish to discuss these matters further, please contact Julie Simpson of Mr. Baney's staff at (202) 260-7873.

Sincerely,



John W. Melone, Director
National Program Chemicals Division