

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

AUG 17 2000

Thomas W. Christopher, P.E.  
 Environmental Manager  
 Minteq International Inc.  
 640 North 13<sup>th</sup> Street  
 Easton, PA 18042

Dear Mr. Christopher:

This letter is in response to your inquiry of July 7, 2000 regarding the air transfer system employed by Minteq International Inc. at its facility in Canaan, Connecticut. In your letter you describe a system of pumps and piping which include a vacuum pump system. This vacuum pump system is contaminated with PCBs due to the use of PCB heat transfer oil. Your letter states that the system has been flushed and now operates consistently at PCB concentrations below 50 ppm. You have requested that EPA confirm that the regulations at 40 CFR 761.30(t)(1) apply to the vacuum pump system and that EPA provide written approval for Minteq's past use of PCBs at  $\geq 50$  ppm in the vacuum pump system under 40 CFR 761.30(t)(3). My staff has reviewed your requests and our response follows.

Your letter requests that EPA confirm the applicability of 40 CFR §761.30(t)(1) to the vacuum gas transmission system described in your letter. The regulations at 40 CFR 761.30(t) were designed to address gas and liquid transmission systems, other than natural gas pipeline systems, which are contaminated with PCBs. The system of pumps and piping that you describe in your letter is the type of system EPA had in mind for the provisions at 40 CFR 761.30(t). The use authorization at 40 CFR 761.30(t), however, is for systems that are intact and non-leaking. From the information provided in your letter, as well as information provided by EPA's Regional Office in Boston, Massachusetts, it appears that your system contains leaks. If your system can become and remain intact and non-leaking, then the use authorizations at 40 CFR 761.30(t)(1) and (2) apply. Please note that non-leaking does not refer to simply capturing the leaks after they have occurred, but rather to preventing leaks from occurring. If the leaks cannot be prevented, then there is no authorization for use and your system must remain below 2 ppm PCBs. Additionally, you have the option of applying for an alternate decontamination approval under 40 CFR 761.79(h). If you choose to decontaminate the system, then once it is decontaminated, its use is authorized under 40 CFR 761.30(u). Please also be advised that 40 CFR 761.30(t) does not provide options for servicing these systems. Decontamination in accordance with 40 CFR 761.79 is required to flush or rinse these systems.

CONCURRENCES							
SYMBOL	7404	7404					
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In your letter you also request that "EPA provide written approval for Minteq's past use of PCBs at  $\geq 50$  ppm in its vacuum gas transmission system, under 40 CFR §761.30(t)(3)." We cannot provide approval for unauthorized uses of PCBs prior to the publication of the regulations at 40 CFR 761 on June 29, 1998. These regulations are prospective and do not address past uses of PCBs.

If you have any further questions, please contact Kim Tisa in EPA's Regional Office at (617) 918-1527.

Sincerely,



John Melone, Director  
National Program Chemicals Division

cc: Kim Tisa, Region 1  
Marianne Milette, Region 1