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8-16-84



Mr. Duane W. Marshall
National Council of the Paper Industry
for Air and Stream Improvement, Incorporated
260 Madison Avenue
New York, New York 10016

Dear Mr. Marshall:

This is in response to your letter of July 24, 1984 concerning discharges of recycled polychlorinated biphenyls (PCBs) to water. Specifically, you requested a clarification on the point at which recycled PCBs are considered to be discharged to water from a processing site.

The most helpful thing to focus on in answering this question is the purpose of the discharge limit. As explained in the first column of page 28179 of the July 10, 1984 FEDERAL REGISTER notice (the Uncontrolled PCBs Rule), the Environmental Protection Agency (EPA) set the concentration limit for water discharges below the level of quantitation (LOQ). In that notice, EPA acknowledged that such a limit will in effect be equivalent to a total ban on water discharges. The Agency believes that this effective ban on PCB discharges to water is reasonable based on the effects of PCBs on the aquatic environment. The Agency has determined that for recycled PCBs, the practical LOQ is 3 parts per billion (ppb). Therefore, the Uncontrolled PCBs Rule sets a limit of less than approximately 3 ppb for recycled PCBs discharged to water.

Under the Clean Water Act (CWA), EPA has also proposed effluent limitations guidelines based on best available technology (BAT) and new source performance standards (NSPS) which would limit the discharge of Aroclor 1242 from mills in the deink subcategory of the pulp, paper, and paperboard point source category where fine and tissue papers are made. In the short time allowed for the development of the Uncontrolled PCBs Rule, EPA was unable to evaluate all of the data submitted in the rulemaking under the CWA. Recognizing that regulations under the CWA are scheduled to be issued later this year, EPA stated that

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the limits set in the Uncontrolled PCBs Rule may be superseded by more stringent limits established under the CWA.

EPA also recognizes that under certain circumstances, recycled PCBs are detected, and may even be measured, below the practical LOQ set by EPA. Therefore, under certain circumstances, limits may be set below the limits set in this rule. For this reason, EPA stated on page 28177 of the Uncontrolled PCBs Rule that the discharge limits set by that rule may be further reduced by more stringent regulations under EPA authorities, or any permits or pretreatment requirements issued by a State or local government. Thus, at all times, discharges of recycled PCBs must be below 3 ppb; however, lower limits may also be set.

In general, "water discharged from a processing site" describes a water release from the premises. As a practical example, in a situation where there is a water treatment facility on the same contiguous tract of land as the recycled PCB process, measurement for PCB discharge would be taken after treatment, but before release from the premises.

I hope that this answers your questions. If you have any further questions, please don't hesitate to contact me at (202) 382-3935.

Sincerely,

Sherell A. Sterling
Biologist