TSCA COMPLIANCE PROGRAM POLICY No. 6-PCB-7

Reference Date for Violations of the One-Year Storage for Disposal Deadline for PCB Waste Resulting From Physical Separation.

TSCA Section: 6(e)

Issue:

What date will EPA use as a reference date for violations of the one-year storage for disposal deadline for PCB waste resulting from physical separation?

Policy:

The one-year storage limit on PCBs resulting from physical separation begins on the date the original PCB articles or PCB containers were placed into storage for disposal. Drums or bins containing PCBs resulting from physical separation shall be required to be marked with the date corresponding to the earliest dated PCB material in the drum.

Discussion:

The PCB Storage for disposal requirements (40 CFR 761.65) prescribe that any PCB article or PCB container "shall be removed from storage and disposed of ... within one year from the date it was first placed into storage." This provision is intended to prevent long-term storage of PCB materials. To help insure prompt disposal, incoming PCB articles and containers are required to be dated when they arrive at the storage facility (40 CFR 761.65).

Some disposal firms, particularly metal recovery and salvage operations, physically separate the PCB-contaminated core from the article or container, recycle the metal portion after rinsing, and store the remaining PCB portion in drums for disposal by incineration or other treatment. The drums may contain PCB wastes that result from physically separated articles or containers that were placed into storage on different dates. There is some confusion among physical separators regarding the correct date to apply to these drums.

A similar problem arises at incineration facilities which shred PCB articles and other solid materials and place these shredded parts in drums before feeding them to the incinerator. Components of many PCB articles may be placed in the same drum.

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EPA has never articulated a policy regarding the storage for disposal requirements and how they apply to PCB waste that results from physical separation. However, the Agency has developed a policy on disposal of PCBs that have been physically separated from regulated liquids and solids. This policy has direct bearing on the storage for disposal requirements.

EPA's position is that PCBs at concentrations less than 50 ppm in liquids and solids that have been physically separated from higher concentration PCB materials are regulated as if they still reflect the original PCB concentrations. Operations such as distillation and solvent extraction have the effect of diluting the PCB concentration in the original material. Section 40 CFR 761.1 states that a substance containing less than 50 ppm PCBs because of any dilution shall be treated for disposal purposes as though it contains the original PCB concentrations. This means that diluted PCBs would be subject to EPA disposal regulations (40 CFR 761.60), as well as the storage for disposal requirements (40 CFR 761.65). PCB Articles have specific disposal requirements (40 CFR 761.60) and all parts of the article are controlled by the rule.

The date used as the starting date for the one year storage for disposal deadline on a PCB article or PCB container prior to physical separation shall be the earliest date of the PCB items in a container. Such PCB items must be disposed of within one-year from the earliest dated item.

See Also: TSCA Compliance Program Policy 6-CFC-6.

References:

Key Words:

PCB, physical separation.

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