Monsanto

DEC 14 1979

LAW DEPARTMENT S. P. LeGros - E2NE - 4-2885

DATE December 13, 1979

cc P. S. Park
P. H. Smith

SUBJECT Disposal of PCBs - Contract With Newco Chemical Waste Systems, Inc.

REFERENCES

TO D. E. Cayard - C2NC
N. B. Galluzzo - E3SB
J. E. Lipe - 1690
R. S. Nelson - B2SC
M. F. Weishaar - G4WA

As you know, EPA's Disposal and Marking Rule relating to PCBs, permits large capacitors to be disposed of in chemical waste landfills until January 1, 1980 (40 CFR §761.10). After that date, all large capacitors containing PCBs are to be disposed of in an incinerator complying with Annex I of the PCB regulation. Since no Annex I incinerator will be approved by January 1, 1980, EPA has proposed to extend the deadline until 30 days after an approved Annex I incinerator is operational. (See 44 FR 66851, November 21, 1979). Several people have noted to me that EPA has extended the deadline. This is not correct, as at this time EPA has only proposed to amend the regulation. A public hearing on the proposal is scheduled for January 3, 1980 and it will not be until sometime after that that EPA might promulgate a change in the rule. Therefore, the rule remains as it presently stands with the effective date of January 1, 1980 for cessation of landfilling of large capacitors. Furthermore, beginning January 1, 1980 and until the time when the proposed amendment becomes effective, large PCB capacitors awaiting disposal must be stored in accordance with the requirements of §761.42 of the PCB rule. I raised this question with EPA's Industry Assistance Office and they confirmed that any landfilling of large capacitors after January 1, 1980 and before amendment of the rule would be illegal.

On a related matter, and for your information, we have just concluded a waste disposal contract with Newco Chemical Waste Systems, Inc. for disposal of PCB capacitors and other PCB contaminated waste at their recently approved Williamsburg, Ohio site. Although this agreement was drafted with a particular plant in mind, there may be a possibility of expanding it to include waste from other plants which need to meet the January 1, 1980 deadline or are otherwise in urgent need of a chemical waste disposal site.

If you have any questions or problems concerning this matter, feel free to contact me (4-2885).

Susan P. LeGros

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