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## Comments:



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## MEGA RULE REPLY COMMENTS - POSSIBLE ISSUES FOR REBUTTAL

1. Disposal of Drained Transformers USWAG

ETC (comment # 234) proposes that EPA prohibit disposal of drained contaminated electrical equipment in a non-TSCA landfill (p. 12); terms ability to dispose of same in muni landfill a "new" disposal option [it isn't; attach old Moore letter to TKA re disposal of carcasses and meaning of "not regulated for disposal]; ETC particularly sites to EPA's statement in the preamble recommending that the core and sorbent material be separated out and disposed of in a TSCA landfill.

Sola/Hevi Duty Electric (comment # 155) makes the same argument about why tf cores should be disposed of separately, claiming that oil continues to drain out of them (p. 5); therefore, 48 hour draining is not sufficient.

N.H. Dept. of Environmental Services (comment # 158) also claims residual oil in "drained" tfs could be as much as 10% after emptying and 1/2 gallon after 48 hours (p. 5).

T&R Electric (comment # 177) argues that surface residue after draining could range from 1 ug to as much as 438 ug/100cm2 and therefore opposes ability to send carcasses to muni landfill; cites USWAG data in retrofill rule in support to say that 5% to 10 % of the PCBs may still be left in the tf following retrofill.

Trans-Cycle Industries (comment # 212) wants change in regulation to require a sample be taken from a reclassified tf before it is shipped for disposal, or alternatively wants all reclassified tf to be disposed of in accordance with their original PCB concentration (p. 2).

Chem Waste (comment # 178) supports continued disposal of sm PCB caps in muni landfills and current draining approach for tf and PCB Article carcasses (p. 12).

In arguing against elimination of anti-dilution rule for disposal, ETC argues that EPA has not shown that disposal of under 50 ppm stuff in a non TSCA landfill is safe (p. 30) and would require a heap of conditions including use of liners, leachate collection systems, etc. etc. (p. 32).

At the same time, ETC argues that stabilized "incidental liquids" [it seems at any ppm level] be allowed to be landfilled in a TSCA landfill (p. 40).





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ETC opposes "continuous" draining for 48 hours, and would substitute a requirement of initial draining, having the equipment stand for 48 hours and then be drained again (p. 41).

Dept. of the Air Force (comment # 218) wants to be sure drained carcasses do not have to meet storage or 761.180 recordkeeping requirements -- we should support.

Trans-End Technology (comment # 55) suggests that drained electrical equipment be disposed of in chemical waste landfills (because transformers still may contain 2-3 gallons of dielectric fluid), but says salvage and smelting are still the best options.

Laidlaw (comment # 61) suggests a precise definition of "free flowing liquid" and "drained thoroughly" be added to the carcass provisions.

2. Disposal Generally

Central Vermont Public Service Corp. (comment #13) wants PCB disposal program transferred to RCRA

NYS Dept. of Environmental Conservation (comment # 246) given declined in universe of PCB waste, consideration should be given to combining the disposal portions of the TSCA regs into the RCRA regs (p. 1); this would especially eliminate need for duplication re state and federal need to review site and remedial proposal (id.)

NYS Dept. of Environmental Conservation proposes that only contained landfills, whether muni or industrial, be used and defines contained as "a municipal or industrial landfill that has a leachate collection and removal system that protects health and the environment and that meets the requirements of 49 CFR 258.40(a)(2)." (p. 3).

Conn. Dept. of Environmental Protection (comment # 249) notes that muni landfills are open to the public and this increases the risk of human and nonhuman exposures to PCBs above risk based levels (no further support is given for this proposition) (p. 2).

Conn. Dept. of Environmental Protection doesn't like any of it (p. 2) (or even leaving as much as 100 ppm in place); suggests use of signs and/or ML labels.

St. Regis Mohawk Tribe (comment # 71) opposes a disposal option in muni or industrial landfills for waste below 50 ppm and urges use of RCRA landfills, TSCA landfills or incineration.

3. Burning of PCBs produces dioxin and furans USWAG

ETC, citing the June 1994 dioxin health assessment documents, argues that certain types of burning should not be permitted; we may need to emphasize Smith's work that we submitted to the dioxin SAB panel (pp. 14-15) [submit old EPRI report re byproducts of combustion showing





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no dioxins from burning contaminated oil] [submit our retrofill rule comments, both sets, to rebut ETC either re this point or where ETC cites to its attached Exhibit One which is ETC's comments in the retrofill rule].

ENSR says byproducts could contain furans and dioxins (p. 11).

4. Pre-1978

ETC proposes three additional conditions if EPA continues to reach out to pre-1978 situations: (1) the burden would remain on the owner/operator to show it was pre-1978 and "mere 'knowledge' is insufficient", some written documentation should be required; (2) a notice should be given to EPA within 30 days of discovery of a pre-1978 contamination, and (3) if the contamination is left in place, a notice to that effect should be put in the deed (p. 19).

NYS Dept. of Environmental Conservation says that pre-1978 sites already identified under CERCLA or by state for remediation should not be presumed to pose no risk (p.1).

Conn. Dept. of Environmental Protection says it's not logical to think that a pre-1978 residual of 78 ppm is any less toxic or risky than a current residual of 78 ppm which has to be cleaned up (p.2) and the environmental risk from the older spill is greater (without further support other than mentioning it was the persistence and tendency to bioaccumulate that led to PCB reg in the first instance). Therefore, given limited resources, at least EPA should require an application for approval of risk based disposal for pre-1978 releases.

Laidlaw (comment # 61) questions assumption that pre-1978 spills do not present a risk of exposure given the stability of PCBs.

5. Post-1979

Trans-Cycle claims that numerous tf manufactured after 1979 have significant amounts of PCBs (without citing any supportive evidence) and urges EPA to change date to 1988 (p. 3).

6. Remediation Waste

ETC suggests that a 60 day, rather than a 30 day, notice be given EPA, state and local officials before self-implementing cleanup commences (p. 20); that contents of notice include actual remediation plan, not just proposed options (p. 21); and that notice include name and address of offsite disposal facility (p. 28).

Because of "the heightened exposure risks when PCBs are in the presence of water", ETC proposes that dewatering be required of wastes left on site above 10 ppm (p. 21); ETC also claims that "PCBs readily migrate via the water pathway" (p. 25).





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Caps and soil covers are not enough to prevent leaching down into groundwater or laterally to vegetable gardens (or infiltration of subsurface water into the area of contamination, claims ETC, therefore it proposes to exclude from self-implementation spills that may directly or indirectly result in contamination of water, etc., and to require installation of both a groundwater monitoring system and a leachate collection system where residual is above 10 ppm (pp. 22-24).

ETC urges requirement of deed notice and site warning whenever more than 2 ppm left on site (p. 26) and that a security fence be required whenever residual is more than 25 ppm.

Chem Waste proposes deed restriction be required on all low exposure cleanup areas (p. 17) and wants other (but unspecified) institutional controls.

Chem Waste wants testing of soils for more than PCBs (p. 17).

Laidlaw (comment #61) suggests a deed notification be required for all PCB remedial activities conducted on a site, particularly for low exposure areas where a fence or cap is not used.

7. Cleanup

EPA Region V suggests requirement that sampling be done below depth of 2.5 cm to get at subsurface contamination (p. 3).

NYS Dept. of Environmental Conservation would prefer the 12 inch cover it has been using for residential cleanup where residual is 10 ppm (also thinks surface standard is 1 ppm and the 12 inches should define the subsurface) (p. 2).

Region 10 Superfund folks think high exposure areas under self-implementing option should include areas where plants, particularly where plants are a source of food for animals or where otherwise "pristine natural areas" are being cleaned; also thinks definition of high exposure area should be clarified so that it is areas "where employees frequently or routinely enter." (p. 8).

Region 10 Superfund also thinks a soil cover is not sufficient since it can be disturbed or removed; therefore, with residual of 50 ppm would require 10 inch soil cover plus a fence with markings; or a cap of other material; and if 100 ppm left would require a cap and a fence with markings; and that the seasonal high groundwater table be a certain minimum distance (6 feet maybe or 10 feet) below lowest depth of the PCB residual.

Spill Control Association of America (comment #270) generally argues that cleanup levels are not protective and that furan and dioxins can be produced through improper combustion or were contaminants at manufacture; goes a lot into modeling and current risk assessment procedures and their deficiencies.





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Eli Lilly (comment # 62) opposes use of 1987 policy as guidance in establishing cleanup levels under RCRA because the 1987 policy was never subject to notice and comment rulemaking.

St. Regis Mohawk Tribe supports a 1 ppm cleanup level unless a tribe requires a more stringent standard.

Wisconsin Dept. of Natural Resources (comment # 94) recommends that for sites where PCBs are allowed to remain, three feet of clean soil be required as a cover and that concrete or asphalt not be allowed as a substitute for some portion of that depth. Deed restrictions should be required for all sites where residual PCB concentrations remain.

8. TCLP and PCBs

ETC claims TCLP will always be met and therefore is not appropriate and claims PCBs migrate via the water pathway (pp. 25-26).

Chem Waste suggest using TCA rather than TCLP (pp. 23, 26).

If used for non-remediation waste, NYS Dept. of Environmental Conservation argues that materials, e.g. fluff, with total concentrations of as much as 178 ppm could go to muni landfill because the material would pass the TCLP; no evaluation made of how these wastes would be affected because of codisposal with other wastes; therefore, don't yet put in the leachate based option; NYS policy has been to allow fluff with 50 ppm or more contaminated solely from small capacitors to go to any authorized landfill which satisfies state's double composite liner and leachate collection requirements (pp. 3-4).

Region 10 chemist addresses use of test, solubilities, etc.; because levels in water will never exceed 50 ppb and with solvent probably wouldn't fail either; therefore, he seems to be saying why go to the cost of doing the test, it's not necessary, enough is known already (pp.10-11) (Woods).

9. Manifesting and Recordkeeping and Reporting

ETC proposes that the name and address of the offsite disposal facility be required to be provided in addition to info required by 761.61(a)(2) - theory is to stop disposal at a facility "with a known history of noncompliance" (pp. 27-28).

ETC urges manifest requirement to be amended to clarify that under 50 ppm waste must be manifested if it derived from sources that contained 50 ppm or more (p. 42) **[in fact, the manifesting requirement (761.207(j)) still reflects the old anti-dilution principle, and in line with our comments we should argue that the section be amended to do quite the reverse]**





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Sola/Heavy Duty Electric seeks clarification regarding certificates of disposal needing to be sent (or not sent) to original generator of the waste where disposal decision made at 3d party facility (p. 8) -- do we care?

ENSR suggests a reporting requirement for "disposal" on site (p. 22).

10. Toxicity of PCBs

ETC claims that "deregulation" of PCB wastes is inconsistent with established EPA policy and agency's views on the toxicity of PCBs (pp. 28-29), citing again the Dioxin Reassessment documents and claiming there is no data to support view that PCBs are any "less toxic than EPA has believed during the last 15 years." (p. 29).

11. Cost Savings

ETC claims EPA's estimate of billions of dollars of savings is grossly exaggerated (pp. 35-38) and argues that the benefits of eliminating PCBs outweigh the costs to society citing a Dec. 1980 EPA Fed. Reg. notice rejecting a manufacturing exemption petition (p. 35).

12. Testing Methods

ETC recommends use of SW-846 Method 1311 (TCLP) performance of filtration method to define "non-dissolved" (p. 39).

13. Marking

ETC proposes to expand the marking requirements to drums containing nonleaking PCB Capacitors and nonleaking PCB ballasts, and vehicles loaded with the latter (p. 42) **[do we care?].**

Conn. Dept. of Environmental Protection suggests continuation of marking requirement for ballasts that do not contain a PCB capacitor beyond 1998 or require that after 1998 each such item be clearly marked with the date of mfr. (p. 4).

14. Inspection

EPA Region V (comment # 163) proposes that inspections of storage areas under 761.65(c)(5) be weekly rather than monthly (the latter is the current requirement and is not proposed to be changed) (p. 2).





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15. Storage USWAG

EPA Region V (in addition to suggesting weekly inspection) suggests using RCRA standards for large tank storage under 761.65(c)(7) rather than OSHA standard (p. 2).

16. Storage for Reuse USWAG

ENSR supports three year limitation (but without much else) (p. 19).

Conn. Dept. of Environmental Protection recognizes need of utilities to have spares; suggests an inventory including date placed into storage or some such rather than limiting time allowed in storage for reuse. "The risk associated with this change seems low since electric utilities are generally more aware and knowledgeable about maintenance of such items than others." (p. 4) [so Conn. says at the same time as it says there will be deliberate spills to avoid disposal costs].

17. Storage for Disposal USWAG

Chem Waste suggests using RCRA approach to storage, can go greater than one year for purposes of accumulation (but that would probably exclude cost considerations and therefore we may need to rebut) (p. 28).

18. Ballasts USWAG

Boeing (comment # 170) in a one sentence conclusory remark supports the proposal regarding the disposal of lighting ballasts.

NY Power Authority (comment # 175) talks about having EPA encourage replacement of older lighting systems.

Wisconsin Ballast Inc. (comment # 236) check with Jim Lingle re: data submitted.

S.D. Myers (comment # 241) contends potting material contaminated independently of the capacitor because the levels of PCBs across the ballast and on the surfaces vary (p. 4).

Dynex Industries (comment # 19) contends that the Aroclor in the small capacitors is not the same as the Aroclor in the potting material (Myers did not test by Aroclor) and that such ballasts should be classified as PCB Articles, but not epoxy filled ones.

Based on info from contractors and others, Region 10 (comment # 267) believes PCB ballasts from commercial retrofit jobs are going to EPA-approved PCB disposal facilities. (p. 2).





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FulCircle Ballast Recyclers (comment # 272) recommends that all PCB ballasts be regulated as PCB Articles to simplify the whole thing (p. 1); reiterates Myers and Rollins data relating to percentage of ballasts with PCBs over 50 ppm in the potting material and attaches two papers showing that data collected in Canada show that a high percentage of the potting material in the ballasts are contaminated over 50 ppm. Disposing of PCB ballasts as PCB waste would cost less than five to ten percent of the project and already half the projects are doing this anyway.

FulCircle recommends that instead of the use authorization as proposed, EPA require phase out of PCB ballasts within ten years or so.

FulCircle recommends that the three year limit on storage for reuse is particularly appropriate for ballasts because otherwise folks will leave them in the ceiling and forget about them.

Dynex Industries (comment # 19) contends that Aroclor in small capacitors is not the same as the Aroclor in the asphaltic potting material in ballasts and that such ballasts should not be classified as PCB Articles.

Salesco Systems (comment # 50) proposes that entities that receive, manage, broker or recycle lamp ballasts be required to have a closure plan, demonstrate financial assurance, comply with liability insurance standards, meet specific reporting requirements and meet specific site engineering requirements.

Trans-End Technology (comment # 55) wants ballasts to be required to be disposed of in a chemical waste landfill. If muni landfill option is continued, large generators should be required to incinerate, landfill in a chemical waste landfill or dispose of by an approved alternative method.

Lighting Resources (comment # 58) urges that potting compound from ballasts be incinerated; claims that the PCB isomer in the capacitor is the heaviest and that the one in the potting compound is the lightest; 25 ballast per year exemption is a nightmare and is unmanageable, but that the risk of leaks from small PCB Capacitors in ballasts is virtually zero.

Transformer Service, Inc. (comment # 82) argues landfilling of ballasts should be banned, the capacitor and potting compound should be incinerated and the remaining metal should be treated by solvent or heat cleaning.

Wisconsin Dept. of Natural Resources (comment # 94) believes that 32 ballasts could be disposed of in an engineered landfill on a project basis.

19. Registration of Tfs USWAG

ENSR (comment # 171) says that national registration will allow for zip code tracing and will help tracking and enforcement (p. 7).





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Minn. Pollution Control Authority (comment # 181) likes tf and voltage regulator registration requirements because state has found violations (p. 3).

South Dakota Dept. of Environment and Natural Resources (comment # 237) without further explanation wants tf registration info to be available to the states by EPA upon request to eliminate duplicative efforts.

Alabama Dept. of Environmental Management (comment # 36) supports registration at the state and national level in order to determine the amount of equipment still in service, distribution and to provide information to local emergency responders.

20. Cable

Trans Cycle includes conclusory statements regarding amount of contamination in cable and supports assumption that all electrical cable be treated as though it contained PCBs at levels of 50 ppm or greater.

Hazardous Electrical Line Power Equipment Removal (comment # 63) reports on results it did for EPA on cable, and states that the results confirm that the plastic and fluff is PCB contaminated.

21. Pipeline

Trans Cycle questions effectiveness of capping pipelines and abandoning in place (p. 6).

22. Anti-Dilution

Trans Cycle contends that changes to decontamination requirements are contrary to anti-dilution and would circumvent disposal requirements (p. 7).

Conn. Dept. of Environmental Protection thinks owners of elec eqmt will deliberately spill dielectric in order to dilute the PCBs and avoid disposal costs; alternatively, they might just raise the grade 10 inches with clean soil and put down 6 inches of asphalt and not pay for disposal; therefore, consider disallowing self-implementing option for spills from elec eqmt or amend the enforcement policy and penalty matrix to require some minimum enforcement action in cases of releases from elec eqmt cleaned under 761.61 (p. 3).

23. New Use Authorizations

In light of PCB2000 to phase out PCB use and scale back the program, Conn. Dept. of Environmental Protection says new use authorizations go in the wrong direction and should not be expanded. (p. 4).





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24. Definitions

Region 10 suggests that a PCB Capacitor be defined as one containing 500 ppm or more to "really neaten things." (p. 3).





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