

Monsanto

FROM
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DATE : September 19, 1983

SUBJECT : EPA PCB Compliance Program -
Enforcement Policy Statements

REFERENCE :

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EPA Enforcement Division has very recently published several PCB policy statements and their interpretations for enforcement actions.

These policies are interpreted in the strictest sense without regard for good science and technology, common sense, and moral interest considerations.

Of particular significance are three dealing with:

1. Enforcement liability for violations of the one-year disposal deadline for material in storage for disposal (Policy 6-PCB-6).
2. Reference data for violations of the one-year storage-for-disposal regulation (Policy 6-PCB-7).
3. Regulation of residual PCBs (less than 50 ppm) in materials that have been separated from higher concentration materials (Policy 6-PCB-3).

These policy interpretations should be reviewed by each site having PCB material in use or stored for disposal to prevent being blind-sighted during an EPA enforcement inspection for PCBs.

Specifics for these three items follow and the entire EPA policy statements are attached (Policies 6-PCB-4 and 6-PCB-5 have not yet been written).

Details

Interpretation of Item 1 (Policy 6-PCB-6) in effect states that to insure meeting the one-year disposal deadline required by 40 CFR 761.65(a) material stored for disposal after January 1, 1983 must be delivered by the generator to a disposal facility with 90 days' lead time to effect actual disposal. (A net effect of only 270 days or less storage-for-disposal by the generator instead of one year.)

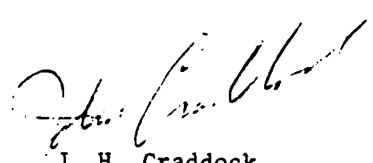
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For material placed in storage in a common container, Item 2 (Policy 6-PCB-7) decrees that the earliest date a material is placed in the common container starts the time clock for the "one-year" disposal deadline (discussed above as Item 1).

Item 3 relating to residual PCBs at concentrations less than 50 ppm (Policy 6-PCB-3) which have been physically separated from higher concentration PCB materials states that these low level PCBs will be regulated as if they still contain the original PCB levels. Storage and disposal rules for the original higher PCB level apply.

Please review the attached EPA policy statements and transmit this information to appropriate plant personnel.

If you have any questions, contact me or Pete Smith.



J. H. Craddock

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