MONSANTO

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Date : September 30, 1988

Subject : PCB Issues - September Highlights

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I. Regulatory Issues

- RCRA vs TSCA - The Baucus bill (S2963) to move PCB disposal regulations from TSCA to RCRA hit a snag the last week of September and slowed significantly. If the House and Senate staffs don't agree to the bill's content prior to being taken up by the full Senate Committee on Environment and Public Works, rumor has it that Senator Burdick, Chairman, will not try to move the bill.

  However, on September 26, EPA finally published the proposed rule (see below) promised in February of this year which corrects problems with existing regulation of commercial PCB disposers and generally strengthens PCB disposal rules (Parallel to the bill proposed by Congressman Synar HR 3070). Except for the RCRA issue, there is now no need for HR 3070 or the proposed Senate bill.

- California Proposition 65 - The draft literature study of reproductive effects of PCBs is being assembled in final form and will be reviewed mid-October by the CMA, NEMA, EEI industry PCB Concensus Group. The strategy for presenting the scientific data to the Proposition 65 Scientific Advisory Panel and the California Health and Welfare Department will be drafted after this review (target date for SAP review of PCB reproductive effects is December 16).

- New PCB Disposal Rules - EPA's proposed rule on notification and manifesting of PCB waste activities has been released for public comment. The intent of this rule is to make PCB disposal regulations under TSCA more closely resemble RCRA and, thereby, reduce the possibility of unscrupulous disposal activities. While we generally support this rule, we will comment through CMA on some of the overly burdensome paperwork requirements. The rule is on the fast track for comments (30 days) and implementation (120 days after FR publication).

II. Plants

- St. Charles Ag Farm issues appear to be resolved at least for the time being. No response has been received from the Missouri DNR to our written statement of the issue and remediation program. Also, no further contact has been made by USEPA Region VII staff regarding the remediation program or requests for sampling in connection with the Findett NPL question.

- The Pensacola plant is making good progress on their program to phase out PCB electrical equipment. Year-to-date they have disposed of approximately 100 PCB capacitors and removed or reclassified 5 transformers. They are on target to be PCB free by year-end 1989. This is especially significant because Pensacola is one of the top five plants in terms of quantity of PCB equipment.

- The Fayetteville plant inadvertently disposed of several PCB transformers via the ENSCO White Bluff, Tennessee facility. This is a facility which we inspected and did not approve and was recently fined $900K by EPA for improper processing of PCB fluids. Plants should pay special attention to use approved outside processors during their PCB phase-out programs.

III. Miscellaneous

- Because of other commitments, ESC will not be able to complete some PCB-related projects and is not accepting any additional PCB-related work for the remainder of the year. While routine analyses are readily contracted to outside labs, evaluation of new methodology and outside labs must be done internally. We may want to consider funding a temporary position (or some fraction thereof) dedicated to PCB regulatory and litigation activities.

- National gas pipe line companies were directed by the Federal Energy Regulatory Commission to make provisions for removing old transmission pipe lines including PCB contaminated systems. EPA Office of Toxic Substances response to questions for disposal guidance was that contaminated gas pipe lines could only be disposed of by being dug up and incinerated or landfilled in a PCB landfill. Due to the astronomical cost of such remedies, the gas industry is currently in a panic.

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