PCB Panel
Agenda Item

M E M O R A N D U M

TO: Dr. John Craddock, Monsanto Company
Elizabeth Festa-Gormley, Chemical Manufacturers Association
Toni Allen, Piper, Marbury
Timothy Hardy and Patti Franco, Kirkland and Ellis
Steven Rosenthal, Morrison & Foerster
Connie Ritzert, Alcoa
Marion Herrington, General Electric

FROM: William J. Walsh

DATE: January 17, 1992

RE: Proposed New Language for PCB Disposal Regulations

I. INTRODUCTION

Attached are: (1) a draft of the alternative PCB disposal regulations; and (2) an annotated version of the same draft alternative disposal regulations showing the prior language and emphasizing the new language (through underlining and highlighting).

The remainder of this memorandum briefly describes the rationale for the proposed language and the decisions that need to be made to finalize the draft.

II. RATIONALE FOR THE STRUCTURE

I have attempted to make as few changes to EPA's regulation as possible to minimize the impact on the PCB program and to minimize our battles. Sections 761.60(a)(1), (2), (3) and (6) in the existing regulation would remain essentially the same, except for cross references and renumbering.

E. Festa Gormley
PCB 68/92-017
2/4/92

I have redefined the materials covered by existing subsection (4), the section that addresses the disposal of nonliquid PCBs. The proposed draft covers soils, sediment, rags, debris, nonliquid sludges, residuals from the treatment of PCBs, solids, and other nonliquid materials.

I also have subdivided this category into four PCB concentration ranges: (1) greater than 500 ppm; (2) between 100 ppm and 500 ppm; (3) between 50 ppm and 100 ppm; and (4) less than 50 ppm. The disposal options that are permitted for each soil concentration range are specifically listed in the subsection addressing soils. These options are those that we discussed at the January 15th meeting and are listed in Connie's draft.

I have kept the two options listed in the present regulation, i.e., incineration and disposal in a chemical waste landfill. To be consistent with our proposed Old Spill Policy, I have listed disposal onsite in compliance with that policy as an authorized disposal option.

Our Old Spill Policy did not contain an option for soil containing PCB concentrations between 100 ppm and 500 ppm. As I understand it, the clay/synthetic capping option provided to me by John Craddock at the January 15th meeting is more stringent than the option in the proposed Old Spill Policy. Therefore, the draft disposal regulation uses the clay/synthetic cap approach for situations where the concentration is between 100 ppm and 500 ppm. The Old Spill Policy that we proposed permits containment

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of PCB concentrations of up to 100 ppm if covered by asphalt, concrete, or a 10 inch soil cover. My proposed language specifies that soil and other nonliquid material containing PCB concentrations between 100 ppm and 500 ppm can be contained by a clay/synthetic cap. I am not sure whether we need to specify a thickness of cap. Please carefully review this wording to see if it makes technical and economic sense.

For the sake of consistency, I have also divided the section of the disposal regulations which addresses dredged materials and municipal sludge into the same four concentration ranges and have added the same disposal options described above.

Finally, I have added a catchall provision that states that soil, sediment, other nonliquid materials, dredged material, and municipal sludge are not regulated and may be disposed of in a solid waste landfill if their PCB concentration is less than the regulatory limit of 50 ppm. The language stating that these materials are not regulated is very direct and may raise some EPA hackles. We may want to soften it a bit.

III. TECHNICAL AND COST DOCUMENTATION SUPPORTING THE PROPOSAL

I agree with Marion Herrington's suggestion at the last meeting that we may need some documentary support for our proposal. We should attempt to document technologies that meet our general disposal criteria and perform some estimate of the cost savings. Some of the documents that I previously sent to John and Elizabeth may support this position. Other documents

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support the concepts. Given the budget crunch, however, it is difficult to predict who will perform this technical analysis. I suspect that EPA may object to: (1) the use of 50 ppm as a treatment goal particularly for soils containing PCB concentrations between 500 ppm to 50 ppm; (2) the use of the ANSI 16.1 leachability test; and (3) our choice of a goal for the leachability test. These points in particular should be supported in our cover letter to EPA.

IV. CONCLUSION

Please send me your comments as soon as possible and I will attempt to provide the next draft prior to the February 11th meeting.

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