

U.S. Environmental Protection Agency's PCB Regulatory Program Permitting Process

Overview

- Background on Regulations
- Applicable Regulations
- Permitting Process

Background on U.S. EPA Regulations

- Toxics Substances Control Act, 1976
- Federal PCB Regulations
 - 40 Code of Federal Regulations, Part 761
- Initial regulations in 1978 and 1979
 - banned manufacture
 - limited uses
 - regulated disposal
- Act and Regulations available at www.epa.gov/pcb

Applicable U.S. EPA PCB Regulations

Prohibitions: 761.20(a)

- No person may use any PCB regardless of concentration unless authorized or unless they consist of an excluded PCB product

Use authorizations: 761.30

- No use authorization exists for PCBs at concentrations greater than or equal to 50 ppm

Definitions: 761.3

- *excluded PCB products*: materials which appear at concentrations less than 50 ppm
- *PCB bulk product waste*: waste derived from manufactured products containing PCBs in a non-liquid state at any concentration where the concentration at the time of designation for disposal was greater than or equal to 50 ppm, including, but not limited to applied dried paints (see sub paragraph 3)
- *PCB remediation waste*: waste containing PCBs as a result of a spill, release, or other unauthorized disposal, at any concentration if the PCBs are spilled or released from a source not authorized for use

Risk-based disposal approval: 761.61(c) and 761.62(c)

- Any person wishing to dispose of PCB remediation waste (761.61(c)) or PCB bulk product waste (761.62(c)) must apply in writing to the U.S.EPA.
- No person may conduct cleanup activities under this paragraph prior to obtaining written approval by U.S.EPA.
- U.S.EPA will issue a written decision on each application (approval or denial).
- U.S.EPA will approve an application if it finds that the method will not pose an unreasonable risk of injury to health or the environment.

Open burning: 761.50(a)(1)

- No person may open burn PCBs.
- Combustion of PCBs otherwise allowed under part 761 is not open burning.

Permitting Process

- Application (under 761.61(c) and/or 761.62(c))
- U.S.EPA review / comment
 - Review team (Region 5 offices, Headquarters, other Regions)
 - Criteria: human and ecological risk
 - Guidance
- Applicant addresses U.S.EPA comments
- Repeat review / comment, etc.
- U.S.EPA determines approve or deny
- If U.S.EPA determines no unreasonable risk
 - prepare draft approval
 - public notice draft approval
- U.S.EPA issues final approval / denial

U.S.EPA Guidance

- The U.S.EPA guidance for human health risk assessments for combustion emissions is a 3 volume U.S.EPA document:
- **Volume 1:** *Human Health Risk Assessment Protocol for Hazardous Waste Combustion Facilities* (EPA530-D-98-001A; July 1998);
- **Volume 2:** *Appendix A: Chemical-specific Data* (EPA530-D-98-001B; July 1998); and
- **Volume 3:** *Appendix B: Estimating Media Concentration Equations and Variable Values; and Appendix C: Risk Characterization Equations* (EPA530-D-98-001C; July 1998).
- The entire document may be found at:
<http://www.epa.gov/epaoswer/hazwaste/combust/risk.htm>

U.S.EPA Guidance

- The U.S.EPA guidance for ecological risk assessments is:
- *Guidelines for Ecological Risk Assessments* (EPA630-R-95-002F; April 1998)
- The entire document may be found at:
<http://cfpub.epa.gov/ncea/cfm/recordisplay.cfm?deid=12460>

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