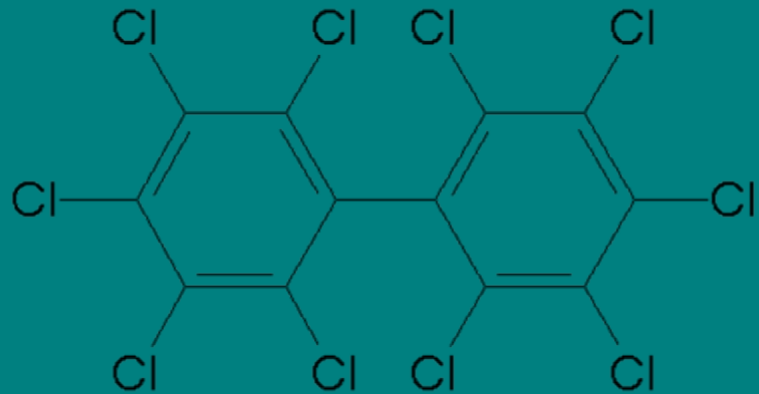


PCB Remediation under the OCP MOA



Presentation for Brownfield's Study Group
March 25, 2008

TSCA / PCB Background

- Regulated by EPA under the Toxic Substances Control Act since the mid 1970's
- Federal Regulations are codified in 40CFR761
- Persistent bio-accumulative chemical
- PCBs were used in various mixtures made up of individual PCB components, known as congeners. Most U.S. commercial PCB mixtures in the U.S. by their industrial trade names. The most common name is Aroclor.
- Many different PCB uses have lead to many PCB residual contamination sites.

PCB Remediation Under the One Cleanup Program Memorandum of Agreement – RR 786

- Guidance is nearly completed and will be posted on RR Program Web site within a week or two.
- Guidance is targeted for internal use, but should be useful to externals.
- Guidance is intended to provide a description of how cleanup activities will proceed under the OCP MOA.

Overview of MOA

- Under the MOA, PCB sites follow a coordinated approval process led by WDNR leading to approvals from both DNR and EPA.
- EPA's coordinated approval (40CFR761.77) process is the basis for the MOA approach.
- DNR and EPA believe the coordinated approval process is advantageous for the RP as it can better assure liability concerns of both agencies are addressed.
- The MOA does not delegate EPA's authority under TSCA.

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Attachments

- Attachment 1 – OCP / MOA TSCA Sites Types
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- Attachment 3 – Questions and Answers
- Attachment 4 – OCP PCB Notices to EPA
- Attachment 5 – PCB Non Industrial Residual Concentration Limit (RCL) – by Aroclor & by total PCBs.

More on MOA

- The MOA defines three types of PCB sites, Types A, B, and C, and how WDNR will communicate with and coordinate remedial activities with EPA.
 - A = complex site, MOA does not apply, separate reviews by DNR and EPA
 - B = Some PCB contamination, but TSCA does not apply, follow NR 700 only
 - C= PCB contamination, TSCA applies, DNR in lead, ultimately get approval from both EPA and DNR.
- Attachments 1 & 2 provide detailed description of the 3 types of sites and lead responsibilities

TSCA Applicability

- To determine whether or not TSCA applies, an RP must determine the PCB concentration in the material released as well as the date of the release. TSCA applies to the following PCB remediation cases:
 - If the release took place after April 18, 1978 and the PCB concentration in the material released was 500 ppm or greater,
 - If the release took place after July 2, 1979 and the PCB concentration in the material released was 50 ppm or greater.
 - If either the date or concentration of the PCB at the time of the release is unknown, TSCA regulations assume the PCB release is regulated (40 CFR Section 761.50(b)(3)).
- RP has responsibility of determining TSCA applicability; work with your DNR project manager.

Notices per Federal Regs and the MOA

- DNR will provide basic site info to EPA including whether type A, B or C.
- RPs must also send notification letter to EPA RA if they want to follow either self implementing or coordinated review processes. EPA will respond.
- For type C sites, once DNR has completed review, we notify EPA and provide a draft approval and site documents. EPA has agreed to a 30 day turnaround to prepare their response.
- See Attachment 4 for more information

Submittals and Review by WDNR Staff

- To utilize the Type C process of the OCP MOA:
 - the site must be actively project managed by the WDNR PM
 - the RP must submit the necessary reports and pay the appropriate review fees

Alternative Approach

- Another approach listed in the guidance is the EPA self implementing clean up process.
- This approach is intended for “simple”* sites and allows an RP to follow a prescribed approach.
- In this case, an RP could choose to follow the NR 700 and TSCA cleanup processes separately and not take advantage of the coordinated approval process.
- The RP still needs DNR approval.
- This is also covered in Guidance.

* Not an EPA definition, my opinion

PCB Non Industrial RCL

– by Total PCBs & by Aroclor for Soil

- **Total PCBs (1 ppm)** – The RR program will allow up to 1 ppm for total PCBs. This can be done by summing individual Aroclors or summing the total PCB congeners to determine exceedance of the 1 ppm total PCBs. Provided there are enough different Aroclors analyzed, this approach should not underestimate the total PCB value.
- **Aroclor-Specific RCL (0.319 ppm)** – In the past, if an RP submitted soil-Aroclor data to the WDNR, then a PCB residual concentration level (RCL) that is based on Aroclors' toxicity value information could be generated.
- See Attachment 5 for more information.