



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C. 20460

APR 12 2016

OFFICE OF
SOLID WASTE AND
EMERGENCY RESPONSE

NOW THE
OFFICE OF LAND AND
EMERGENCY MANAGEMENT

James Roewer
Executive Director
Utility Solid Waste Activity Group
c/o Edison Electric Institute
701 Pennsylvania Avenue, NW
Washington, DC 20001-2696

Dear Mr. Roewer:

The Office of Resource Conservation and Recovery (ORCR) of the U.S. Environmental Protection Agency (EPA) grants approval to Utility Solid Waste Activity Group (USWAG) members listed in Appendix II (enclosed) to dispose of Polychlorinated Biphenyl (PCB) Remediation Waste generated at secure utility assets with as-found concentrations less than 50 ppm PCBs in certain disposal facilities pursuant to 40 CFR 761.61(c), contingent on the terms and conditions specified in the enclosed approvals. These approvals are issued pursuant to Section 6(e)(1) of the Toxic Substances Control Act (TSCA) of 1976 (Public Law 94-469) and the Federal PCB Regulation, 40 CFR 761.61(c). These are national approvals because they may be used in more than one EPA Region. The approvals are effective upon the EPA's signature and, expire on June 10, 2019, so as to coincide with the approvals issued to USWAG members on June 10, 2014, at which time they may be collectively renewed with all other similar USWAG member approvals.

On February 16, 2016, the EPA issued for public comment the draft version of these approvals to USWAG members listed in Appendix II. The public comment period was open through March 16, 2016. EPA received one public comment, which was fully supportive of the draft approvals. EPA is now issuing these USWAG members, with no changes to the draft version, the enclosed final approvals. These approvals will allow the listed USWAG members to dispose of less than 50 ppm PCB remediation waste in certain non-TSCA approved disposal facilities, such as municipal solid waste landfills, non-hazardous waste landfills, and hazardous waste landfills. The EPA has found that PCB Remediation Waste with as-found concentrations of less than 50 ppm PCBs disposed of in certain non-TSCA approved facilities, poses no unreasonable risk of injury to health or the environment.

A violation of any requirement of an approval or any applicable federal regulations may subject a USWAG member to enforcement action and may be grounds for modification, revocation, or suspension of its approval. Modification, revocation, or suspension of an approval may also result from future EPA rulemaking(s) with respect to PCBs or from new information gathered by USWAG members and/or the EPA.

Please contact Karen Swetland of my staff at (703) 308-8421 if you have any questions regarding these approvals.

Sincerely,

A handwritten signature in black ink, appearing to read "Barnes Johnson". The signature is fluid and cursive, with a long horizontal stroke at the end.

Barnes Johnson, Director
Office of Resource Conservation and Recovery

Enclosure

cc: EPA Regional PCB Coordinators

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
Risk-Based Approvals to Dispose of Polychlorinated Biphenyl (PCB) Remediation Waste

COMPANIES COVERED BY THESE APPROVALS

Utility Solid Waste Activities Group Member Companies Identified in Appendix II
c/o Edison Electric Institute
701 Pennsylvania Avenue, NW
Washington, DC 20004-2696

APPROVAL TYPE

Approvals to dispose of PCB Remediation Waste generated at secure utility assets with as-found PCB concentrations less than (<) 50 parts per million (ppm) pursuant to 40 C.F.R. § 761.61(c).

EFFECTIVE DATE

[Signature Date]

EXPIRATION DATE

June 10, 2019

AUTHORITY

These approvals are issued pursuant to Section 6(e)(1) of the Toxic Substances Control Act of 1976 (TSCA), Public Law No. 94-469, and the Federal PCB Regulations, 40 C.F.R. §761.61 (c) (63 FR 35384, June 29, 1998).

DEFINITIONS

“Appropriate EPA Regional PCB Coordinator” means the PCB Coordinator(s) for the EPA Region(s) where the cleanup site and final disposal facility are located. A list of PCB Coordinators and their contact information can be found at the following website:

<http://www.epa.gov/epawaste/hazard/tsd/pcbs/pubs/coordin.htm>.

“As-found” means the concentration of PCBs in the waste at the site at the time the waste is discovered, as opposed to the concentration of the PCBs in the material that was originally spilled, released, or otherwise disposed of at the site. As-found refers to *in situ* concentrations (i.e., concentration in the material prior to excavation).

“MSWLF” means municipal solid waste landfill.

“PCB Remediation waste” means PCB remediation waste as defined in 40 C.F.R. § 761.3.

“Secure utility asset” means a facility that is fenced, locked, guarded/monitored, or otherwise not accessible to the general public where PCB response actions are conducted and performed by, or under the supervision of, utility professionals and/or consultants with experience in responding to and remediating PCB releases. This includes, for example, service centers, substations, switch-yards, power generating stations, network vaults, gas utility distribution centers, and natural gas metering, regulating, and compressor stations and service centers that are properly fenced, locked, guarded/monitored, or otherwise not accessible to the general public.

“USWAG Member” means the USWAG member, as identified in Appendix II of these Approvals, who is receiving approval for disposal of as-found concentrations of < 50 ppm PCB Remediation Waste originating from a secure utility asset it owns or operates.

CONDITIONS OF APPROVALS

1. Applicability

USWAG Members (listed in Appendix II) may dispose of non-liquid PCB Remediation Wastes with as-found PCB concentrations of less than 50 parts per million (ppm)¹ in non-TSCA approved landfill facilities, which includes MSWLFs, as described in Condition 9, provided the USWAG Member satisfies the conditions of these Approvals, and the PCB Remediation Waste is generated at a secure utility asset that is owned or operated by a USWAG Member.

2. Agency Approvals or Permits

Prior to commencing operations under these Approvals, the USWAG Member shall obtain any other necessary Federal, State or local permits or approvals associated with the cleanup, removal, storage, transportation, and disposal of the PCB Remediation Waste subject to these approvals.

These Approvals do not shield USWAG Members from obligations to comply with any other applicable Federal, State and/or local law, regulations, or ordinances.

PCB Remediation Waste remaining at the Site that is not disposed of under these Approvals is not covered by these Approvals, but remains subject to any applicable cleanup and disposal requirements of 40 C.F.R. § 761 Subpart D.

3. Authorized Application of Approvals

USWAG Members (listed in Appendix II) are authorized to dispose of PCB Remediation Waste with an as-found concentration of < 50 ppm PCBs in disposal facilities or units enumerated in Condition 9. These Approvals only apply to PCB Remediation Waste generated within secure utility assets that are owned or operated by a USWAG Member listed in Appendix II.

4. Public Notice

To provide information to the public, no less than two working days before the first shipment of PCB Remediation waste leaves the control of each USWAG Member utilizing these Approvals, the USWAG Member shall post prominently on their website this approval document and a notice to the public stating that the Approval allows the Member to dispose of PCB Remediation Waste with as-found concentrations of < 50 ppm PCBs in non-TSCA approved landfill facilities, including MSWLFs, as defined in Condition 9. The notice shall include contact information for

¹ These approvals also applies to PCB remediation waste non-porous surfaces having surface concentrations less than 100 µg / 100 cm².

individuals seeking additional information from the USWAG Member. This notice and the copy of the Approvals shall stay posted on the Member's website until these Approvals expire.

5. Notification

- A. For each disposal conducted under these Approvals, USWAG Members shall submit notification to the Office of Resource Conservation and Recovery's (ORCR's) Cleanup Programs Branch Chief, the appropriate EPA Regional PCB Coordinator, and the appropriate State, Tribal and/or Local government officials where the USWAG member's secure utility asset is located by certified mail or email no less than 2 working days before the first shipment of PCB Remediation Waste leaves the control of the USWAG Member. This notification is required each time that the USWAG Member disposes of PCB Remediation Waste using these Approvals.

The notification shall contain the following information (see Appendix III):

- a. USWAG Member name and address
- b. EPA ID number of the secured asset, if the USWAG Member has one
- c. Name and contact information of primary USWAG Member contact
- d. Name and contact information of primary USWAG Member recordkeeping contact
- e. Site location (street address, city, county, and state; lat/long coordinates are permissible if site does not have a street address)
- f. Date waste was discovered (i.e., determined to be a PCB Remediation Waste)
- g. Size of site area containing the PCB Remediation Waste being disposed of pursuant to these Approvals
- h. Description of the waste, including maximum as-found PCB concentration and estimated quantity to be disposed of under these Approvals
- i. Name, location, and type of facility where the waste will be disposed

EPA will make these notices available to the public on its website at www.epa.gov/pcb.

- B. For each disposal conducted under these Approvals, the USWAG Member shall provide written notice to the disposal facility stating that it will ship PCB Remediation Waste with as-found PCB concentrations of < 50 ppm PCBs to the disposal facility (see Condition 9). This written notice shall be kept in accordance with the recordkeeping requirements of Condition 6.
- C. USWAG shall submit electronically a list of current members, highlighting any changes to the previous list (including companies added and removed), in an updated "Appendix II: USWAG Members" to ORCR's Cleanup Programs Branch Chief at the end of each fiscal quarter (the end of March, June, September, and December; see Condition 12).

6. Record Keeping

The USWAG Member shall maintain the following records either at the site where the Remediation Waste was generated, or at a facility owned or operated by the USWAG Member, for a period of five years following the transport of the PCB Remediation Waste off-site for disposal and shall make such records available upon request from EPA:

- a. Copy of this approval document
- b. Copy of the notification submitted to EPA (see Condition 5)
- c. Description of the sampling and analytical methodologies used to confirm PCB concentrations (see Conditions 7 and 8)
- d. Copy of analytical results from the characterization sampling conducted (See Conditions 7 and 8)
- e. Copy of the written notice the USWAG Member provided the disposal facility (See Condition 9)
- f. Identification of the source of the spill (e.g., type of equipment) if known
- g. Date, time, and source concentration of the spill, if known
- h. A brief description of the spill location and the nature of the materials contaminated
- i. The amount of PCB Remediation Waste disposed of

7. Waste Characterization

The USWAG Member shall characterize, at the time of discovery, the PCB Remediation Waste in accordance with one of the following procedures, as applicable to the particular substrate, to verify that the PCB Remediation Waste does contain as-found concentrations of <50 ppm PCB:

- a. 40 C.F.R. § 761.265
- b. EPA guidance "*Standard Operating Procedure for Sampling Porous Surfaces for Polychlorinated Biphenyls (PCBs)* Revision 4, May 5, 2011."²
- c. For non-porous surfaces only, standard wipe test as specified in 40 C.F.R. § 761.123

8. Waste Analysis

The USWAG Member shall conduct chemical extraction for PCBs using extraction Method 3500C/3540C, or the most current version of these methods, from EPA's SW-846, Test Methods for Evaluating Solid Waste, and chemical analysis for PCBs using Method 8082A from SW-846, unless another extraction/analytical method is validated under Subpart Q. 40 CFR § 761.1(b)(2) requires that PCBs be quantified based on the formulation of PCBs present in the material

² This guidance can be found at: <http://www.epa.gov/region1/cleanup/pcbs/pdfs/484692.pdf>

analyzed³.

9. Disposal Options

Under these Approvals, PCB Remediation Wastes with as-found concentrations of < 50 ppm PCB may be disposed of in any of the following facilities subject to state and local regulations regarding such disposal:⁴

- a. Facilities permitted, licensed, or registered by a state to manage municipal solid waste subject to 40 C.F.R. Part 258
- b. Facilities permitted, licensed, or registered by a state to manage non-municipal non-hazardous waste subject to 40 C.F.R. §§ 257.5-257.30, as applicable, with the exception of any such unit that manages liquid wastes including pits, ponds, and lagoons.
- c. Hazardous waste landfills permitted by EPA under section 3004 of RCRA, or by a State authorized under section 3006 of RCRA

10. Waste Sampling and Handling Equipment

The USWAG Member shall ensure equipment used for conducting waste sampling or waste handling (e.g., personal protective equipment, shovels, brushes, decontamination liquids, etc.) which is contaminated with, or has been in contact with, PCBs is managed according to the requirements of 40 C.F.R. § 761.61(a)(5)(v) or 40 C.F.R. § 761.79.

11. Compliance

- a. The USWAG Member shall ensure that activities conducted pursuant to these Approvals are in full compliance with conditions of the Approvals. Failure to comply with any term or condition of these Approvals is a violation of 40 C.F.R. § 761.61(c). A violation of the regulations is a prohibited act under Section 15 of TSCA. Any actions by the USWAG Member which violate the terms and conditions of these Approvals may result in administrative, civil judicial, or criminal enforcement by EPA in accordance with Section 16 of TSCA, 15 USC § 2615.
- b. These Approvals do not constitute a determination by EPA that the transporters or disposal facilities selected by the USWAG Member are authorized to conduct the activities set forth in the notification. The USWAG Member is responsible for ensuring

³ For example, measure Aroclor™ 1242 PCBs based on a comparison with Aroclor™ 1242 standards. Measure individual congener PCBs based on a comparison with individual congener standards. The results must be reported as total PCBs in the sample analyzed.

⁴ Although not listed here, EPA-approved PCB disposal facilities are allowable disposal options for PCB Remediation Waste < 50 ppm outside of these Approvals under the PCB regulations.

that its selected transporters and disposal facilities are authorized to conduct these activities in accordance with all applicable federal, state and local statutes and regulations.

- c. These Approvals do not: 1) waive or compromise EPA's enforcement and regulatory authority; 2) release the USWAG Member from compliance with any applicable requirements of federal, state or local law; or 3) release the USWAG Member from liability for, or otherwise resolve any violations of federal, state or local laws, regulations, or ordinances.
- d. Compliance with applicable PCB regulations at 40 C.F.R. § 761 shall be maintained during all phases of work involving removal, handling, storage, and disposal of PCB Remediation Waste.

12. Membership Changes

In the event that USWAG's membership changes and a company that joins USWAG wants to obtain an approval with the same conditions, USWAG shall submit electronically a list of current members in an updated "Appendix II: USWAG Members" to ORCR's Cleanup Programs Branch Chief at the end of a fiscal quarter (the end of March, June, September, and December). USWAG shall specify the new members in each quarterly update. Upon receipt of a quarterly submission, and to the extent that new companies join USWAG, EPA intends to publish for public comment a draft approval containing the same terms as these Approvals for each new company.

In the event that a Member leaves USWAG, USWAG shall include a list of any leaving members from the past quarter in their quarterly submission required above. Those companies shall continue to be able to utilize their approvals and will continue to be listed on Appendix II until their approvals expire.

13. Expiration/Renewal

- a. These Approvals shall become effective upon signature and will expire on June 14, 2019. In order to continue operating under these Approvals pending EPA action on reissuance, USWAG Members, individually or through USWAG, must submit written renewal applications to EPA at least 90 days prior to the expiration date of these Approvals.
- b. These Approvals and their conditions herein will remain in effect beyond the Approvals' expiration date if USWAG Members, individually or through USWAG have submitted timely and complete applications for Approval and, through no fault of USWAG or USWAG members, EPA has not issued renewed Approvals, a denial of an application for Approvals' renewal, or an official termination of Approvals.

- c. EPA may require submission of additional information in connection with the renewal of these Approvals.

APPROVAL

1. Approval to dispose of PCB Remediation Waste generated at secure utility assets with as-found concentrations less than 50 ppm PCBs in non-TSCA approved disposal facilities pursuant to 40 C.F.R. § 761.61(c) is hereby granted to USWAG Members identified in Appendix II of these Approvals, subject to the conditions expressed herein. PCB Remediation Wastes managed in accordance with the conditions of these Approvals shall not be subject to the requirements of 40 C.F.R. 761.65 or Subparts J and K of 40 C.F.R. 761, except as otherwise noted in this document. EPA reserves the right to modify the conditions of these Approvals or to withdraw the Approvals when 1) EPA obtains information demonstrating that operating in accordance with the conditions of these Approvals presents an unreasonable risk to health or the environment; or 2) EPA becomes aware of new information that requires changes; or 3) EPA issues new regulations, standards, or guidance for such approvals.
2. These Approvals do not relieve USWAG Members (identified in Appendix II of these Approvals) of the responsibility to comply with all applicable federal, state, and local laws, regulations, or ordinances. Violations of any applicable federal, state and local regulations or ordinances by any USWAG Member may subject them to enforcement action, and may result in such USWAG Member's exclusion from these Approvals.
3. These Approvals may be rescinded at any time with respect to any USWAG Member at a particular location(s) as a result of such USWAG Member's failure to comply with the terms and conditions herein, failure to disclose all relevant facts, or for any other reasons which the Director of ORCR deems necessary to ensure that work conducted pursuant to these Approvals do not pose unreasonable risk of injury to health or the environment.
4. The USWAG Member shall allow any authorized representative of the Administrator of the EPA to inspect the Site and to inspect records and take samples as may be necessary to determine compliance with the PCB regulations and these Approvals. Any refusal by the USWAG Member to allow such an inspection (as authorized by Section 11 of TSCA) shall be grounds for exclusion of said USWAG Member from these Approvals.

APR 12 2016

Date



Barnes Johnson, Director

Office of Resource Conservation and Recovery

APPENDIX I: Background and Findings

BACKGROUND

The Utility Solid Waste Activities Group (USWAG) was founded in 1978 and is an association of energy utilities, utility operating companies, and trade associations, including approximately eighty energy industry operating companies. Together, USWAG Members represent more than 73% of the total electric generating capacity of the United States, service more than 95% of the nation's consumers of electricity, and deliver 91% of all natural gas provided by the nation's natural gas utilities. USWAG Members include companies that generate electricity but do not directly provide electricity to the public and are therefore technically not "utilities." On April 4, 2012, USWAG submitted an application for a risk-based disposal approval under 40 C.F.R. § 761.61(c) requesting authorization for its Member Companies to dispose of PCB Remediation Waste generated at secure utility assets with as-found concentrations of < 50 ppm PCBs in non-TSCA approved disposal facilities.

FINDINGS

EPA finds that the disposal of PCB Remediation Waste generated at secure utility assets with as-found concentrations < 50 ppm PCBs in the facilities listed in Condition 9 poses no unreasonable risk of injury to health or the environment when conducted in accordance with the conditions of these Approvals.

APPENDIX II: USWAG Members Receiving Approval

- Metropolitan Water District of Southern California
- Omaha Public Power District
- Santee Cooper
- South Carolina Public Service Authority
- Seminole Electric Power Cooperative

APPENDIX III

******NOTIFICATION FORM******
Submit via certified mail or email.

In accordance with the 40 C.F.R. §761.61 (c) risk-based disposal approval issued by the US EPA on [Signature Date], to dispose of PCB Remediation Wastes generated at secure utility assets and containing as found concentrations < 50 pp PCBs, the following information is provided:

A. USWAG MEMBER IDENTIFICATION:

Company Name:

Address:

Primary USWAG Member Contact Name:

Primary USWAG Member Contact Information (phone and email address):

Primary Recordkeeping Contact Name (if not the same as the Primary USWAG Member Contact):

Primary Recordkeeping Contact Information (phone, email address, and address if not the same as the addresses listed above):

B. SITE LOCATION:

EPA ID Number of the Secured Asset (if available):

Address: _____

City, County, State, Zip: _____

Latitude/Longitude if no street Address: _____

C. WASTE

Date waste was identified: _____

Description of Waste (max concentration, media, estimated quantity):

Size of site area containing the PCB Remediation Waste being disposed of: _____

Name, location, and type of facility at which the waste will be disposed of:

Method of Submittal of this Notification (i.e., Certified Mail or Email)

Date Submitted

Submitted to

Submitted by (signature)

Submitted by (print name)