



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

JAN 4 1999

OFFICE OF
PREVENTION, PESTICIDES
AND TOXIC SUBSTANCES

Mr. Chris Stella
Compliance Manager
Full Circle, Inc.
509 Manida Street
Bronx, NY 10474

Dear Mr. Stella:

This responds to letters you sent to EPA's Regional Offices regarding written responses to questions about recycling fluorescent light ballasts containing polychlorinated biphenyls (PCBs). Our Regional Offices have forwarded those letters to me for response.

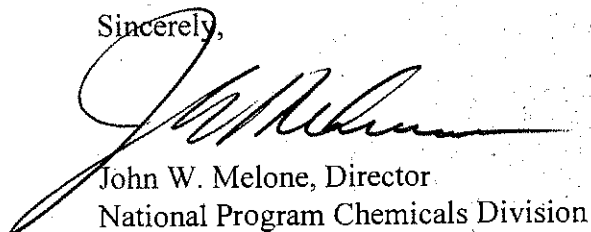
Your letters ask the following questions:

1. If the PCB potting material in a fluorescent lighting ballast exceeds 50 ppm, does the ballast need to be handled as a PCB bulk product TSCA waste?
 - A. 40 CFR 761.60(b)(6)(iii) states "Fluorescent light ballasts containing PCBs in their potting material must be disposed of in a TSCA-approved facility, as bulk product waste under §761.62, as household waste under §761.63 (where applicable), or in accordance with the decontamination provisions of §761.79.
2. Should a generator assume the potting material in a fluorescent lighting ballast has PCBs over 50 ppm?
 - A. The PCB regulations do not require a generator to make assumptions regarding the PCB concentration in potting material in fluorescent light ballasts manufactured prior to July 1978. However, data submitted in connection with a citizen's petition under §21 of TSCA, of which your firm was a party, indicated that more than 50 percent of ballasts manufactured prior to July of 1978 contain PCBs at concentrations of 50 ppm or greater in their potting material. Since TSCA is a strict liability statute, if a generator disposes of ballasts as if they contain <50 ppm PCBs and the ballasts are later found to contain PCBs at concentrations of \geq 50 ppm in the potting material, the generator may be charged with a violation for improper disposal.

3. How would a generator determine the level of potting material if they do not assume it is greater than 50 ppm?
- A. All ballasts manufactured between July, 1978 and July, 1998 are required to bear a "No PCB" label indicating that they do not contain PCBs. Ballasts bearing this label need not be treated as PCB waste. For ballasts not bearing the label, the generator has several options. The generator may consider that all ballasts manufactured prior to July, 1978 contain PCBs at concentrations of 50 ppm or greater and dispose of them as PCB bulk product waste, or the generator can test the potting material in every ballast to determine its PCB concentration.
4. Does a company need a commercial storage permit to recycle ballasts that contain PCB potting material greater than 50 ppm?
- A. Yes. Any owner or operator of a facility storing more than 500 liquid gallons or 70 cubic feet of PCB waste that is generated by others meets the definition of "commercial storer of PCB waste" under §761.3 and must obtain an approval as a commercial storer of PCB waste under §761.65(d).
5. Under the decontamination standards of 761.79, how frequent must the metals be wipe tested?
- A. The decontamination standard for non-porous surfaces in contact with non-liquid PCBs, e.g. fluorescent light ballast potting material, is found at §761.79(b)(3)(i)(B) and is a visual standard, confirmatory testing is not required. If you choose to use a decontamination method which requires a wipe sample, you can do so under §761.79(h) after first obtaining written approval from the EPA Regional Administrator in the Region where the activity would occur.
6. How long must these tests be saved?
- A. The NACE standard requires visual inspection of a cleaned surface. Records of these inspections must be maintained for 3 years from the date decontamination occurred (see §761.79(f)). The conditions laid out in an approval obtained pursuant to §761.79(h) will determine how long records of wipe sample results must be retained.

If you have any additional questions or require additional clarification of the above answers, please contact David Hannemann of my staff at (202) 260-3961.

Sincerely,



John W. Melone, Director
National Program Chemicals Division

cc: Regional PCB Coordinators



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November 2, 1998

Mr. Tony Baney
USEPA
401 M Street SW
Washington, DC 20460

Re: PCB Mega Rule

Dear Mr. Baney:

I would greatly appreciate if you could respond to the following questions in writing regarding PCB ballast recycling:

- If the PCB potting material in a fluorescent lighting ballast exceeds 50 ppm, does the ballast need to be handled as a PCB bulk product TSCA waste?
- Should a generator assume the potting material in a fluorescent lighting ballast has PCBs over 50 ppm?
- How would a generator determine the level of potting material if they do not assume it is greater than 50 ppm?
- Does a company need a commercial storage permit to recycle ballasts that contain PCB potting material greater than 50 ppm?
- Under the decontamination standards of section 761.79, how frequent must the metals be wipe tested?
- How long must these tests be saved?

I greatly appreciate your time and consideration. If you have any questions, do not hesitate to call me at (718) 328-4667. Thank you very much.

Sincerely,

Chris Stella
Compliance Manager