



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

NOV 17 1999

OFFICE OF
PREVENTION, PESTICIDES
AND TOXIC SUBSTANCES

Robert McLaughlin
Bond, Schoeneck & King
One Lincoln Center
Syracuse, NY 13202

Dear Mr. McLaughlin:

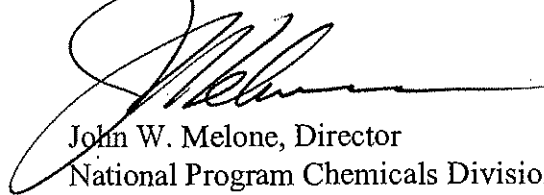
I am writing to respond to your inquiry dated October 29, 1999, regarding §761.50(b)(3) of EPA's PCB Disposal Amendments. You specifically asked about the effect of the recent technical corrections published by EPA on June 24, 1999. Based on your reading of the technical corrections, you believe that "no provision of 761.50 appears to address post-'78 wastes when the 'as found concentration' is less than 50 ppm."

EPA did not intend for the technical corrections to have this result. The definition of "PCB remediation waste" at §761.3 includes waste containing PCBs as a result of a spill, release, or other unauthorized disposal which are currently at any volume or concentration where the original source was ≥ 500 ppm PCB beginning on April 18, 1978, or ≥ 50 ppm PCB beginning on July 2, 1979. These wastes are regulated for disposal under §761.61. This includes post-'78 waste from regulated sources where the as-found concentration is less than 50 ppm. EPA made this clear in Part I of the Questions and Answers Manual. For example, in the section entitled, "§761.61(a)(5)(i) Bulk Remediation Waste," EPA states that "PCB remediation waste ≥ 1 ppm is regulated for disposal." To address the apparent conflict created by the technical amendments, EPA will correct the language of §761.50(b)(3)(ii).

Until EPA is able to amend the language of §761.50 to clarify its meaning, you should consult §§761.3 and 761.61 of the Disposal Amendments, and the Questions and Answers

Manual, Parts I and II, for guidance on dealing with post-'78 PCB Remediation Waste. These documents are available on the EPA web page ("www.epa.gov/pcb"). If you have further questions regarding §761.50, or the disposal regulations in general, please contact Gautam Srinivasan of the Office of General Counsel at (202) 564-5647.

Sincerely,



John W. Melone, Director
National Program Chemicals Division

cc: Office of General Counsel
Regions 1 - 10