

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

MAY 29 1992

M. P. Argenzio-West
 Department of the Navy
 Office of General Counsel
 Puget Sound Naval Shipyard
 Bremerton, WA 98314-5000

Dear Ms. Argenzio-West:

This is in response to your letter of April 10, 1992 to Jackson L. Fox with EPA Region X's Regional Counsel requesting guidance on the disposal of cable containing PCBs by Puget Sound Naval Shipyard. The letter was referred to me for a response. Your inquiry concerns the disposition of the large amounts of PCB contaminated cable jackets (average concentration 43 ppm with peaks above 500 ppm PCBs) generated during the deactivation and recycling of Naval ships.

The contractor's proposal, as you describe it, would be to strip the plastic jackets, sell the metal cable on the scrap market, and then barrel and bury, in a licensed landfill, only the jacketed material. Your request for interpretation focusses on whether the sale, distribution in commerce, and processing for disposal of the cable are activities allowed under the provisions of 40 CFR Part 761.

The PCB Regulations refer to PCB-Contaminated cable at 40 CFR 761.20 and 761.30(m). Both references were added to the PCB rules in 1982. (See the "Electrical Equipment Use" rule (August 25, 1982 -- 47 FR 37342). As the preamble to that rule indicates, the use authorizations granted by the 1982 rule were intended to extend only to oil-filled electrical cable. (See 47 FR at 37352.) The plastic coated cable referenced in your letter is neither "totally enclosed" nor specifically authorized for use in the PCB regulations. Therefore, the cable may be distributed in commerce only for purposes of disposal and not future use. In addition, the stripping of the cable as part of the disposal process is an activity that will require a Toxic Substances Control Act (TSCA) disposal permit. You may contact Bill Hedgebeth (206-553-7369) or Kris Colt (206-553-8577) in Region X (if that is where the stripping operation will be located) for further details on how to receive such a permit.

1. SIMONS/EGS/UPPT-LEU-CRB/5-29-92/TS-798/260-3991/Rm.NE118/Disk#8:B:CABINAVY.RGX
 FILES:EED/CRB CHRON READING/SUBJECT: Cable / Authorizations / Disposal / Permitting

CONCURRENCES

| SYMBOL | TS-798 | TS-798 | LE-132P | TS-798 | | | |
|---------|---------|----------|---------|---------|--|--|--|
| SURNAME | Simons | Keppeler | Colt | Wang | | | |
| DATE | 5/29/92 | 5/29/92 | 5/29/92 | 5/29/92 | | | |

There are a number of regulatory issues the Navy and/or the contractor the Navy hires (depending on when or whether the Navy sells the cable to the contractor) should be aware of in association with the disposal of PCB contaminated cable jackets greater than 50 ppm. These include but are not limited to:

- o the Navy notifying as a generator with onsite storage if the waste was stored more than 30 days;
- o the Navy manifesting the waste cable to the contractor or at least through the contractor prior to its ultimate disposal in a TSCA approved disposal facility;
- o the contractor notifying as a generator with onsite storage if the stripped jackets are stored more than 30 days;
- o the Navy ensuring it receives a Certificate of Disposal from either the contractor or the ultimate TSCA disposal facility once the waste is disposed of;
- o the contractor seeking commercial storage approval (if storing at any one time more than 70 cubic feet of cable jackets contaminated with PCBs greater than 50 ppm) and notifying the EPA as a commercial storer (regardless of volume stored) before it may conduct the cable stripping operation;
- o the contractor will have to manifest the stripped cable jackets to the ultimate approved TSCA disposal facility;
- o the disposal facility has to have a TSCA permit and have notified the EPA of its waste handling activities;
- o all storage of the coated cable and the jackets once they are stripped from the cable, must be in a facility that complies with 40 CFR 761.65(b);
- o the Navy, the contractor, and the ultimate disposal facility, must keep records pursuant to 40 CFR 761.180; and,
- o all the stripped cable jackets that are greater than 50 ppm PCBs must be stored and transported in compliance with Department of Transportation approved containers (see 40 CFR 761.65(c)(6) for the specific container type for non-liquid PCB waste).

If you have any further questions or comments, you may contact Tom Simons of my staff at 202-260-3991.

Sincerely,

A handwritten signature in black ink, appearing to read "Tony Baney". The signature is stylized with a large, sweeping initial "T" and a long, horizontal flourish at the end.

Tony Baney, Chief
Chemical Regulation Branch

cc: Margaret B. Silver, Region X (SO-155)
Bill Hedgebeth, Region X (SO-155)