



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

FEB - 1 1999

OFFICE OF  
PREVENTION, PESTICIDES AND  
TOXIC SUBSTANCES

Kenneth R. Meade  
Hale and Dorr LLP  
1455 Pennsylvania Avenue, N.W.  
Washington, D.C. 20004

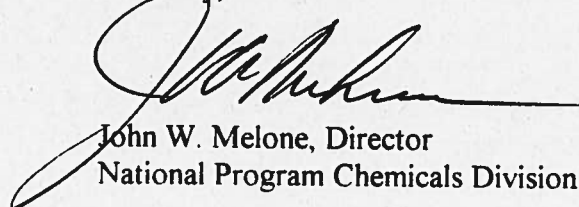
Dear Mr. Meade:

Thank you for your letter dated December 8, 1998. In your letter you provided comments on the most recent version of the American Gas Association's document summarizing the question and answer session from EPA's meeting with the American Gas Association in July 1998, regarding the PCB Disposal Amendments published on June 29, 1998 (63 FR 35384).

EPA has finalized its responses to the American Gas Association's questions regarding the use authorization and abandonment and disposal provisions for natural gas pipeline systems under the regulations at 40 C.F.R Part 761. Please find the final document enclosed.

The Agency appreciates the cooperation you and the American Gas Association have provided throughout this review process. If you have any further questions, please contact Denise Wright at (202) 260-2351 or Sara McGurk at (202) 260-1107.

Sincerely,



John W. Melone, Director  
National Program Chemicals Division

CC: Pam Lacey, American Gas Association

## USE AUTHORIZATION - (§761.30(i))

1. Can a company use historical data from liquid collection points to document the applicability of the §761.30(i)(1)(i) use authorization?

Answer: There is no specific requirement to test, but there is a requirement to comply with the applicable regulations in §761.30(i). Therefore, if historical records are used in place of testing to characterize a pipeline system, the company is still responsible for following the regulations. Since the movement of PCBs in pipeline systems is not well understood, EPA strongly recommends testing.

2. For purposes of 40 C.F.R. §761.30(i)(1)(iii)(A)(4), does an ongoing program for the removal and disposal of pipeline liquids and condensate constitute an "engineering measure or methods to reduce PCB levels to <50 ppm"?

Answer: The phrase "engineering measure or methods to reduce PCB levels to <50 ppm" was meant to deal with the pipe itself or sources. The intent was to clean and/or remove the sources. Since drips are not considered sources, the removal of liquids at drip collection points would not constitute an "engineering measure or methods to reduce PCB levels to <50 ppm". However, if contamination is from an upstream source outside your system, liquid removal from a scrubber, compressor or filter (which are operated and maintained in accordance with manufacturer's recommendations) within your system would be considered an engineering method or measure to remove or reduce PCBs from your system.

3. Can a company use a GIS-based map (mapping database) to satisfy the "written description" requirement at 40 C.F.R. §761.30(i)(1)(iii)(A)(1)?

Answer: Yes, a GIS-based map may be used to fulfill the requirement for a "written description at 40 C.F.R. §761.30(i)(1)(iii)(A)(1).

## ABANDONMENT IN PLACE/DISPOSAL-(§761.60(b)(5)(i))

4. Can a company use historical records for characterizing pipe for abandonment in place or other disposal methods?

Answer: Where the regulations require that the PCB concentration be determined after the last transmission of gas through the pipe, or at the time of abandonment (i.e., 40 C.F.R. §761.60(b)(5)(i)(B) and (b)(5)(ii)(A)(1)), the pipe must be characterized at the time of disposal. (Note that there will be a technical correction made to §761.60(b)(5)(i)(B) and (b)(5)(ii)(A)(1)). The phrase, "in accordance with Subpart M of this part" will be deleted. The characterization of pipeline systems is based on the concentration of PCBs in the organic liquids. If there are no liquids present, then the

pipeline system should be characterized in accordance with Subpart M.) If the disposal option does not specifically require characterization (i.e., pipe less than 4" NID or disposal options for PCBs at >500 ppm), there is no need to characterize the pipe by testing. There is no specific requirement to test, but there is a requirement to dispose of the pipe in accordance with the applicable regulations. Therefore, if historical records are used in place of testing to characterize a pipeline system, the company is still responsible for following the regulations.

5. Must a pipe segment to be abandoned or disposed of be pigged if there are no liquids present at the two ends of the segment?

Answer: Prior to abandonment or disposal, all free flowing liquids must be removed from the pipe. The regulations do not specify how to remove the liquids, only that all free flowing liquids are removed prior to abandonment or disposal. Just because both ends of the pipe are dry doesn't ensure that the entire pipe is dry. The low points of the pipeline system can be located and drained or the pipe can be pigged.

6. What options are available for wipe sampling irregular surfaces such as internal parts of compressors?

Answer: Subpart P, 40 C.F.R. §761.308 and §761.316(c) prescribe sampling protocols for flat and small irregular surfaces, respectively. In the event neither protocol is acceptable, companies can (a) utilize methods approved by EPA in previously-issued TSCA Alternative Technology Permits, provided the permit is still in effect, or (b) apply to the appropriate EPA Regional Office for an alternative sampling approval pursuant to 40 C.F.R. §761.79(h), for decontamination, or 40 C.F.R. §761.62(c), for disposal.

7. How must a company treat water that comes into contact with and is therefore contaminated with PCBs?

Answer: If the liquid is just water, not associated with a pipeline, such as runoff from a contaminated transformer pad, then it should be treated in accordance with the disposal requirements at §761.60 for PCB liquids, or with the decontamination standards for water containing PCBs at §761.79(b)(1). If the water is liquid removed from a pipeline (i.e. pipeline liquids), then it should be treated as PCB remediation waste in accordance with §761.61(a)(5)(iv). A technical correction will be made to §761.30(i)(5)(i). The phrase "in accordance with §761.60(a)" will be replaced with the phrase "in accordance with §761.61(a)(5)(iv)".

8. Where a segment of pipe to be abandoned in place has more than two "ends," must all ends be sampled and capped, or just the main ends?

Answer: All ends must be capped; in addition, if sampling is required for characterization

for purposes of abandonment then all ends must be sampled in accordance with Subpart M, provided there are no organic liquids present for analysis.

9. Can large pipe (>4" diameter) be abandoned if wipe tests show 50-500 ppm PCBs? Can it be abandoned using Nitrogen Gas, caps and Cathodic Protection?

Answer: PCB-Contaminated natural gas pipe of any diameter can be abandoned in place if it has been characterized, has no free flowing liquids, and is sealed at each end. (40 C.F.R. §761.60(b)(5)(i)(B)). Pipe that is characterized above 500 ppm must be drained, sealed at all ends, and either decontaminated or filled to 50% or more of its volume with grout. For >500 ppm pipe the intent of the grouting requirements is to permanently prohibit reuse of the pipe by a third party. Therefore, to utilize an alternative method the company would have to obtain EPA approval under §761.62(c), and would have to demonstrate that the alternative achieves permanent prevention against reuse.

10. Can caution tape be used in the abandonment process to alert parties that pipe was contaminated?

Answer: See answer to question #9. Although this procedure could be submitted as an alternate disposal measure under the risk-based approach in §761.62(c), EPA is concerned that this option would not permanently preclude reuse.

11. Can products other than cement be used to abandon pipe less than 4" that runs under rivers or streams? §761.60(b)(5)(i)(A)(2) does not require that cement be used under rivers or streams for <4" diameter pipe, whereas §761.60(b)(5)(i)(C)(2), which applies to "any diameter pipe," requires that only cement be used when filling pipe segments that run under a river or stream.

Answer: Yes, products other than cement may be used to abandon pipe less than 4" NID that runs under rivers or streams. §761.60(b)(5)(i)(C)(2) does not eliminate the grouting options for <4" pipe under §761.60(b)(5)(i)(A)(2). Pipe that is <4" diameter may be abandoned using one-call system or any type of acceptable grouting materials, even where it runs under a river or stream. Requiring cement for the abandonment of >4" pipe that runs under a river or stream was to ensure greater permanence for the larger pipe.

### MISCELLANEOUS ISSUES

12. Can liquids containing differing PCB levels be mixed together?

Answer: Yes, providing the resultant mixture is handled in accordance with the requirements applicable to the liquid component with the greatest PCB concentration level.

13. If you have a PCB spill after the effective date of the new rule that contaminates equipment, can you reuse the equipment after cleaning it pursuant to the PCB Spill Cleanup Policy, or must it be decontaminated under Section 761.79?

Answer: You can continue to use the equipment after cleaning it in accordance with the TSCA PCB Spill Cleanup policy (40 C.F.R. §761.20(c)(5), 761.30(u)).

14. How specific must the description of future use "location" be for storage for reuse purposes?

Answer: Companies can store pipe and appurtenances that have an identified reuse in accordance with §761.35. These provisions cannot be used for equipment that does not have an intended reuse. The description must indicate the manner in which the reuse will occur within the system, but need not say exactly where in the system the reuse will occur.

15. When all of a main in a subdivision is being renewed, the main may be cut in 30 different places. Is it necessary to test at every one of these places even if they are not very far away from each other, or will testing of the main feeds into the area be enough without having to breakup the pipeline segment every 40 feet?

Answer: The regulations would require that, for characterization purposes each cut location should be tested. To avoid this, a company should apply for a §761.62(c) risk based alternative sampling approval. The applicant would need to state in the application the basis of its presumption that the different areas of the pipe within the subdivision would contain the same level of contamination as the contamination in the main feeds.

16. What decontamination procedures require an approval?

Answer: Any procedure that is not listed in §761.79 (b) or (c) requires an EPA approval under §761.79 (h).

17. Do the provisions of the amendments that address cleanup of PCB wastes impact or change remediation actions that are proceeding under existing consent orders?

Answer: No. §761.61(a) provides for self-implementing cleanup of PCB remediation waste. This does not require that cleanups be performed in accordance with §761.61(a), nor does it supersede cleanup being performed under existing consent orders that are at least as stringent as federal requirements.

18. §761.30(i)(4) requires that characterization of pipeline systems must be done by "analyzing liquids collected at existing condensate collection points," whereas §761.60(b)(5)(iii) requires that such analysis be done on "organic liquids collected at existing condensate collection points" (emphasis added). Must the analysis for §761.30 be

done on organic liquids?

Answer: A technical correction will be made to §761.30(i)(4). The word "organic" will be added, so the phrase will read, "Any person characterizing PCB contamination in natural gas pipe or natural gas pipeline systems must do so by analyzing organic liquids collected at existing condensate collection points in the pipe or pipeline system." The characterization of natural gas pipe should be done on organic liquids. If no liquids are present, then wipe sampling should be done in accordance with Subpart M.

19. Can a company accept PCB wastes from an affiliated company, for purposes of consolidation prior to disposal, without becoming a "commercial storer" of PCBs?

Answer: Yes, provided the "affiliated company" qualifies as a "related company" as discussed in the definition of "commercial storer" in §761.3.

20. Can a company that sends PCB wastes to its affiliated company for purposes of consolidation prior to disposal treat those shipments as internal consolidation not subject to the PCB manifesting requirements at 40 C.F.R. §761.207?

Answer: Yes, provided the "affiliated company" qualifies as a "related company" as discussed in the definition of "commercial storer" in §761.3.

#### **ISSUES NOT RAISED AT THE WORKSHOP**

21. Often, pipes are "inserted", meaning that the existing pipe is used as a conduit for a new plastic pipe that is mechanically emplaced by a machine that moves inside the existing pipe. Some of these machines use the old pipe as a sleeve for the new pipe. However, some of the machines split or shatter the existing pipe and replace it with the new pipe, with the parts of the old pipe still in place (e.g. destructive insertion). In all cases, free flowing liquids are removed prior to insertion. What is the status of pipes that are inserted? Can the pipe be considered still in service because the pipe itself is still in place? What if the pipe was inserted destructively? Could the insertion be considered as a form of grouting? Clearly the process renders the pipe unusable.

Answer: The non-destructive insertion of the new plastic pipe into the existing metal pipe can be considered as continued use of the natural gas pipeline system, under §761.30(i) and the owner/operator must comply with the applicable requirements in §761.30(i)(1)(iii)(A) or (B).

It's the Agency's understanding that at the time of insertion, companies are removing any liquids, if present, and characterizing the PCB contamination of the system at that particular location by testing removed liquids and wipe testing metal pieces of pipe removed from the system prior to insertion of the plastic pipe. The Agency recommends

maintaining records of this PCB characterization until the time of abandonment or disposal of the system and/or its components, although §761.30(i)(1)(iii)(C) only requires the owner/operator to maintain records for three years. EPA will consider these records regarding characterization, done at the time of the insertion process, to be valid for compliance with applicable characterization requirements for abandonment and disposal in §761.60(b)(5)(iii).

Destructive insertion of the plastic pipe is not specifically addressed in the regulations. If the outer casing is  $\geq 50$  ppm PCBs and the insertion is destructive, the outer pipe would be considered illegally abandoned. The destructive insertion of the new pipe would not prevent the release of residual PCBs into the environment, because the integrity of the original metal pipe has not been maintained. A risk-based disposal application could be submitted under §761.62(c).

EPA does not consider insertion to be a form of grouting, as the intention for the grouting requirement is to permanently prohibit future reuse and to prevent the release of residual PCBs into the environment.

22. Must a company characterize gas pipe that is to be removed from service and "disposed of" in a scrap metal recovery oven or smelter, pursuant to §761.60(b)(5)(ii)(A)?

Answer: Natural gas pipe of less than 4" nominal inside diameter is not required to be characterized prior to disposal in a scrap metal recovery oven or smelter, operating in accordance with §761.72 (see, §761.60(b)(5)(ii)(A)(2)). Natural gas pipe greater than 4" nominal inside diameter must be characterized, pursuant to §761.60(b)(5)(iii), prior to disposal in either a scrap metal recovery oven or smelter. Such disposal is authorized only if the pipe is "PCB-Contaminated" (i.e., 50 to < 500 ppm liquids or  $10\mu\text{g}/100\text{ cm}^2$  to <  $100\mu\text{g}/100\text{ cm}^2$  wipe sample). In addition, §761.79(b)(3)(ii) sets a decontamination standard for disposal of non-porous surfaces in a smelter of  $100\mu\text{g}/100\text{ cm}^2$ .

23. What does EPA consider to be a "potential source of PCB contamination" (40 C.F.R. §761.30(i)(1)(iii)(B)) for purposes of the use authorization requirements?

Answer: The types of items in §761.30(i)(1)(iii)(A)(3) are what EPA considers to be "potential sources". The regulations reference specific items that may be considered sources (i.e., compressors, scrubbers, filters and interconnects), and items that are not considered sources (i.e., valves, drips and other small liquid condensate collection points). If a seller or distributor has one of these "potential sources" and it contains PCBs  $\geq 50$  ppm and has created PCB contamination downstream, then the regulations at §761.30(i)(1)(iii)(A) apply.

The requirements at §761.30(i)(1)(iii)(A) still apply when the source contains PCBs  $\geq 50$  ppm, but there is no contamination downstream. In this situation, the source could still

potentially introduce PCBs into the system, so the owner/operator is still responsible for addressing the PCBs in the source by removing the source or reducing the concentration of PCBs to <50 ppm (e.g., removing liquids from the source).

If a natural gas pipeline system contains drips with PCBs  $\geq 50$  ppm, but it does not contain a scrubber, filter or compressor with PCBs  $\geq 50$  ppm, then the only "potential source" in the system would be the interconnect. It's the Agency's understanding that the interconnect is the point in the natural gas pipeline system at which the ownership of the pipeline equipment changes (e.g., from natural gas supplier to local distribution company). Whoever owns/controls the interconnect in this scenario would be required to follow the provisions in §761.30(i)(1)(iii)(A). If you do not own/control the interconnect, then you must follow the provisions in §761.30(i)(1)(iii)(B). According to §761.30(i)(1)(iii)(B), sampling and analysis of the liquids and record keeping would still apply, including documenting that the system's sources never used PCB containing oils and grease. The owner/operator would also need to document that the most likely source of PCB contamination is the natural gas pipeline system that supplied their natural gas. This documentation is required.

The natural gas pipeline system described above could also fall under the regulations at §761.30(i)(1)(iii)(B) if the first liquid collection point after the interconnect contains PCBs <50 ppm. In this situation EPA would not consider the interconnect to be a source for the contamination, which was found further downstream.

24. Which requirements, if any, apply to customer service lines, including customer owned service lines? It appears from the Preamble that the Agency intended to exclude end users, such as homes and businesses, from the regulations.<sup>1</sup> However, the definition of *Natural Gas Pipeline System* at §761.3 **does not** exclude end users. In addition, §761.30(i) contains a specific use authorization, that is unconditional, for PCBs at any concentration in natural gas pipeline systems not owned or operated by a seller or distributor of natural gas. Finally, there is nothing at §761.60(b)(5) that excludes end users from the requirements regarding disposal.

Answer: End users, such as homes and businesses are part of the use authorization in §761.30(i), but they are not subject to the requirements in §761.30(i). They cannot be excluded from the definition of "natural gas pipeline system" because they are part of the use authorization. There will be a technical correction made to the preamble (63 Fed.Reg.

---

<sup>1</sup> "Some commenters were concerned that natural gas end users, such as homeowners and businesses, would be covered by the regulations. Because end users are excluded from the definition of natural gas pipeline system in §761.3, they are not subject to the requirements of 761.30(i)." 63 Fed.Reg. 35396.



35396) to correct this contradiction. For disposal purposes, end users are not necessarily excluded from the regulations at §761.60(b)(5). Anyone meeting the definition of "household waste" at §761.3 can dispose of their waste in accordance with §761.63. If you do not meet the household waste exemption, then you are subject to the regulations at §761.60(b)(5).

25. The new regulations authorize the reuse of PCB-Contaminated pipe (drained of all free flowing liquids) for certain specified uses such as reuse in natural gas pipeline systems, and for electrical cable, optic fiber, etc. (§761.30(i)(2-3)). Why is there is no parallel authorization for distribution in commerce for these reuse options -- without such an authorization the reuse options are virtually worthless, as gas companies would be unable to convey them to parties that would use the pipe in this manner.

Answer: The regulations do not explicitly authorize distribution in commerce of PCB-Contaminated pipe, despite the authorization for reuse. There is a general authorization of distribution in commerce at §761.20(c)(5) for items decontaminated or currently meeting decontamination standards. Therefore, in order to distribute PCB-Contaminated pipe in commerce, it would have to be decontaminated or it would have to currently meet a decontamination standard such as <10 ug/100cm<sup>2</sup>. The provision in §761.20(c)(5) would then allow the distribution in commerce of these items.