

EPA PCB Program Talking Points for Spokane River Regional Toxics Task Force

On October 21st, I had a discussion with EPA Region 10 PCB coordinator Brett Feldhahn. This is a summary of what we discussed.

Jasper's PCB detection work

- Brett said that Jasper's PCB detections are reason enough to ask the property owners to do limited confirmation sampling. This kind of sampling does not require EPA approval.
 - Sampling methods are addressed on EPA's website at:
 - <https://www.epa.gov/pcbs/how-test-pcbs-and-characterize-suspect-materials>
 - <https://www.epa.gov/pcbs/standard-operating-procedure-sampling-porous-surfaces-polychlorinated-biphenyls-pcbs>
- Anyone could ask the property owners to do this. For example, City of Spokane public works, stormwater or code enforcement staff, or Ecology stormwater staff could reach out to the property owners, inform them of the PCB-sniffing dog detection, and ask them to sample. We strive for voluntary compliance by property owners whenever possible.

TSCA regulations applicable to PCBs in building materials

- PCBs in building materials at concentrations greater than 50 ppm, including the continued use of such materials already in place are prohibited by TSCA regulations.
 - The threshold for a "non-porous surface" is 10 µg/100 cm², but the TSCA regulations (40 CFR 761.3) have a narrow definition of the term "non-porous surface" and few building exteriors would be considered "non-porous." Examples include smooth uncorroded metal, smooth glass, smooth glazed ceramics, impermeable polished building stone such as marble or granite, and high-density plastics such as polycarbonates and melamines.
- Building materials coated with PCB-containing paint and caulk often exceed TSCA thresholds as well. If so, they are considered bulk PCB remediation waste (40 CFR 761.61(a)(4)(i)).
- Property owners may consult with the EPA PCB coordinator to determine how to proceed if PCBs above TSCA limits are found during confirmation sampling.
 - 40 CFR 761 Subpart N provides a method for collecting new data for characterizing a PCB remediation waste cleanup site.
 - If removal of the manufactured PCB products cannot happen in the short term, the property owner or operator should work with the EPA Regional PCB Coordinator to develop an interim plan to manage the manufactured PCB products and any surrounding PCB-contaminated substrate materials until they can be removed and disposed of.
- Ground surfaces surrounding the building may also have been contaminated.

Responsible party

- Under the TSCA regulations, responsibility for PCB cleanup rests with the property owner. There isn't a mechanism to assign responsibility to a previous owner (unlike CERCLA).

Further Reading

- Polychlorinated Biphenyl (PCB) Guidance Reinterpretation
<https://www.epa.gov/pcbs/polychlorinated-biphenyl-pcb-guidance-reinterpretation>
- PCBs in Building Materials: Determining the Presence of Manufactured PCB Products in Buildings or Other Structures
https://www.epa.gov/sites/default/files/2021-05/documents/final_pcb_buildings_fact_sheet_05-10-2021_to_upload.pdf
- Questions and Answers about Polychlorinated Biphenyls (PCBs) in Building Materials
<https://www.epa.gov/pcbs/questions-and-answers-about-polychlorinated-biphenyls-pcbs-building-materials>
- PCBs in Building Materials (Ecology)
<https://ecology.wa.gov/Regulations-Permits/Guidance-technical-assistance/Dangerous-waste-guidance/Common-dangerous-waste/Construction-and-demolition/PCBs-in-buildings>
- Regulations
 - 40 CFR 761.61 PCB Remediation Waste
<https://www.ecfr.gov/current/title-40/chapter-I/subchapter-R/part-761/subpart-D/section-761.61>
 - 40 CFR 761.62 PCB Bulk Product Waste
<https://www.ecfr.gov/current/title-40/chapter-I/subchapter-R/part-761/subpart-D/section-761.62>
 - 40 CFR 761 Subpart N Cleanup Site Characterization Sampling
<https://www.ecfr.gov/current/title-40/chapter-I/subchapter-R/part-761/subpart-N>