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EPA reinterprets regulations for disposal of PCB

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Polychlorinated biphenyls or PCBs are substances that were widely used in construction materials and the electrical industry due to their favorable physical properties such as fire resistance, flexibility, and low flammability. The presence of PCBs has been recently documented in numerous common building materials including caulking, paints, sealants, hydraulic fluid, electric cable coatings, sealants, plasticizers, roof/siding products, molding, and HVAC systems. These materials that act as sources of PCBs are referred to in the Toxic Substances Control Act (TSCA, 40 CFR 761) as "Bulk Product Waste." The United States Environmental Protection Agency (EPA) considers the presence of PCBs in bulk product waste at concentrations greater than 50 parts per million an "unauthorized use" and a violation of the TSCA regulations. Concentrations in common building materials such as caulking, paint, and plasticizers have been documented up to 100,000 mg/kg. In addition, these materials often contaminate adjacent materials such as concrete, brick, and wood. Prior to the TSCA regulation reinterpretation on October 24th, these contaminated materials adjacent to the Bulk Product Waste were previously referred to as "Remediation Waste."

The reinterpretation now allows for building materials such as brick, concrete, or wood contaminated by PCB-containing products (e.g., caulk, paint, mastics, sealants) to be disposed of as Bulk Product Waste at state-permitted non-hazardous waste landfills. Public and private building owners need to be aware of this reinterpretation with regard to management of building materials that may contain PCBs.

Prior to the reinterpretation, remediation waste was either separated/segregated from bulk product waste for disposal purposes or all affected building materials were disposed at a TSCA-certified landfill (at a significantly higher cost.) The current reinterpretation allows for disposal of all PCB impacted building materials at state-permitted non-hazardous waste landfills (typically at a much lower cost). Property owners considering renovation or demolition of building structures should be aware of this reinterpretation prior to disposing of PCB building materials at a higher cost.

It should be noted however, that many state-permitted, non-hazardous waste landfills, like those in Massachusetts for example, cannot accept PCBs above 2 mg/kg under the current Massachusetts policy without going through a waiver process of the state MA02 hazardous waste code. However, disposal facilities are currently working with state regulators to address this issue.

Another caveat to this reinterpretation is that the PCB containing source material must be present on the building substrate when it is designated for disposal. If the caulking or paint had been removed previously (such as during a window/door replacement project) and is no longer present, then the building substrate containing PCBs above 1 mg/kg must be handled as remediation waste in accordance with TSCA 40 CFR 761.61.

For situations where PCB caulk, paint, etc. remains attached to building materials, this reinterpretation may allow for more efficient removal and disposal and can reduce costs. Building

owners and operators should partner with qualified consultants to determine a proper course of action for assessing, remediating and disposing of PCB impacted building materials. The new reinterpretation of the TSCA regulations allows flexibility and potentially significant cost savings when the material is disposed of at state-permitted, non-hazardous waste landfills versus TSCA-certified facilities.

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