PCB Compliance Training Webinar Series

Webinar #4:
Recordkeeping & Reporting Notification & Manifest Sampling Overview
This 5-part webinar series provides an overview of the federal polychlorinated biphenyl (PCB) regulations administered by the United States Environmental Protection Agency (EPA) pursuant to the Toxic Substances Control Act (TSCA), as well as corresponding EPA policy and guidance. Each webinar addresses regulations, policy and guidance current as of the date the webinar is first presented; please note that EPA’s PCB regulations, policy and guidance are subject to change. This webinar series, including the recorded presentations and the prepared slides, are intended to serve as a resource to facilitate members’ understanding of the federal PCB regulatory requirements and do not represent legal advice or legal counsel. Individuals with specific compliance and/or enforcement questions are encouraged to consult appropriate legal counsel.

This webinar is intended only for members of APPA, NRECA and USWAG and should not be shared outside of those organizations or their members.

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Records and Reports
  - Annual Records
  - Annual Document Logs

Notification and Manifest Requirements
  - General Manifest Requirements
  - Unmanifested Waste
  - Exception Reporting

Sampling Overview
Records & Reports
40 C.F.R. § 761.180(a)

* Annual document log (ADL); annual records
* Requirements apply to owners/operators of a facility (other than commercial storer/disposer of PCB waste) using or storing at any time at least:
  - 45 kg (99.4 lbs) of PCBs in PCB Containers
    - Weight of material, not PCBs themselves
  - One or more PCB Transformers (i.e., ≥ 500 ppm PCB)
  - 50 or more PCB Large Capacitors
ADL must include:

- EPA ID number, name, and address of facility
- Unique manifest number every manifest generated by the facility during the calendar year, and information related to all manifested and unmanifested waste
  -> See 40 C.F.R. § 761.180(a)(2)(ii)
- Total number and weight, by specific types, of PCB wastes
- Accounting of PCB Transformers, Large PCB Capacitors, PCBs, and PCB Items in Containers at the facility and remaining in service at the end of the year
- Records relating to the distribution in commerce for reuse of any PCB Item with a concentration ≥ 50 ppm (except Small Capacitors)
Annual Records

* Must include:
  - Signed manifests generated by facility during calendar year
  - Certificates of Disposal that have been received by facility during calendar year
  - Records of inspections and cleanups performed at storage facilities
The Vale Power Cooperative is storing two 8,000-gallon PCB-contaminated transformers on-site for potential reuse.

→ What annual reporting/recordkeeping requirements apply?

- The use/storage of two 8,000-gallon PCB-contaminated transformers does not trigger applicability of the annual records/annual document log requirements
What if the Vale Power Cooperative is storing ten 55-gallon drums of PCB-contaminated soil on-site for eventual off-site disposal?

→ What annual reporting/recordkeeping requirements apply?

- If the **material in the drums (i.e., the PCB-contaminated soil)** weighs at least 45 kg (99.4 lbs), then the annual recordkeeping/annual document log requirements apply.
Notification & Manifest Requirements
EPA Identification Numbers

(40 C.F.R. § 761.202(a))

- Generators
- Commercial stokers
- Transporters
- Disposers

Generator may not offer PCB waste to a transporter, storer, or disposal facility without an EPA ID number
Notification & Manifest Requirements

* Notification of waste activities – Form 7710-53
  - Exempt: Generators who use, own, or process PCBs or PCB Items but are not owners or operators of PCB storage facilities (§ 761.65(b) or (c)(7))
  - Exempt generators should use the generic EPA ID No. “40 CFR Part 761” on manifest
The Manifest System

* “Cradle to grave” tracking of PCB waste
  ➔ Creates paper trail to show that the waste gets to the intended disposal site
* Prepare manifest when relinquishing control over PCB wastes
  o Transporting/offering for commercial, off-site storage/disposal
The Manifest System

* EPA’s 2012 Direct Final Rule harmonized TSCA & RCRA manifest requirements

* When is PCB waste generated?

  → When the materials are no longer used for the purpose for which they were intended, and when the decision to dispose of them has been made.

**Source:** Preamble to 1989 Manifest Rule

The Manifest System

Manifest not required for:

* PCB waste < 50 ppm from pre-April 18, 1978 spills
* PCB waste from pre-July 2, 1979 spills of < 500 ppm
* Remediation wastes < 50 ppm under § 761.61(a)
  - RW < 50 ppm disposed of per USWAG/NRECA/APPA Approval
* Materials decontaminated under § 761.79
* Drained PCB-Contaminated articles
* PCB bulk product wastes managed in MSWLFs
* Decontaminated PCB Containers
* Drained PCB-Contaminated containers
* Small capacitors

→ Manifest not required for intra-company transport of PCBs or PCB waste
Retention of manifest records:

* General rule: Retain for at least 3 years from date PCB waste accepted by initial transporter

* **Note:** Retention period automatically extended during any enforcement action regarding the regulated activity
Unmanifested waste

- Commercial storage or disposal facility receiving PCB waste without accompanying manifest must report to EPA within 15 days of receipt

- See 40 C.F.R. § 761.211
The Manifest System – Exception Reporting

* Exception reporting:
  - 40 C.F.R. § 761.215(a)-(b)
  - If generator does not receive a signed copy of the manifest from designated storage/disposal facility within 35 days from date waste accepted by initial transporter, must contact transporter or storage/disposal facility
  - If no signed copy received within 45 days of date waste initially accepted, must submit exception report to EPA
    - Exception report must be filed within 45 days of date on which generator should have received the manifest
* Concept of rejected loads added as part of harmonization of PCB/RCRA manifest requirements
The Manifest System – Exception Reporting

* One-Year Exception Reporting:
  o 40 C.F.R. § 761.219
  o Imposed on disposers and generators/commercial storers for untimely disposal of PCB wastes
    → Note: Because of different timeframes triggering reporting, best practice for generators to get PCB wastes off-site w/in 9 months from date of removal from service for disposal

* Certificates of Disposal
  o Copy sent to generator within 30 days of disposal
    - (... Unless disposal facility and generator agree on different timeframe)
  o Copies retained in accordance with 40 C.F.R. § 761.180
**Disposer** submits One-Year Exception Report:

- Within 45 days from end of 1-year storage for disposal date **IF**
- Facility receives PCBs/PCB Items **more than 9 months** from date removed from service for disposal, **AND**
- Because of contractual commitments or other factors affecting facility’s disposal capacity, can’t dispose of PCBs/PCB Items w/in 1 year of date of removal from service
**Generator/commercial storer** submits OYE report:

- Within 45 days of the following:
  - Generator/commercial storer transferred PCBs/PCB Items to disposer within 9 months of date of removal from service (per manifest/continuation sheet), **AND**
  - Have not received CD within 13 months from date of removal from service **OR** receives CD confirming disposal of PCBs/PCB Items on date more than 1 year from removal from service
Riverland Electric ships a PCB Transformer off-site for purposes of inspection and repair. The repair shop determines that the cost of repair would exceed cost of replacing the unit. The repair shop contacts Riverland and Riverland directs the repair shop to dispose of the unit.

→ Who is the generator of the PCB waste? Who prepares the manifest for shipping the material from the repair shop to a disposal facility?

○ *Because the PCB Transformer is in the possession of the repair shop at the time the decision is made to dispose of the equipment, the repair shop is the generator of the PCB waste and must prepare the manifest*
Riverland Electric ships a PCB Transformer off-site for purposes of inspection and repair. The repair shop determines that the cost of repair would exceed cost of replacing the unit. The repair shop contacts Riverland and Riverland directs the repair shop to dispose of the unit.

→ To whom does the disposal company send the Certificate of Disposal?

- *The Certificate of Disposal goes to the repair shop (generator of the PCB waste)*
Westeros Power Co. sends PCB waste off-site for disposal 11 months after the waste was removed from service for disposal, but they still haven’t received a certificate of disposal for the waste 13 months after the PCB waste was removed from service.

What exception reporting requirements apply?

- The disposal facility would submit the One Year Exception Report, because it received the waste more than 9 months from the date of removal from service for disposal (and, presumably, due to contractual obligations or other factors the disposal facility was not able to dispose of the waste within one year of removal from service for disposal)
Overview: Sampling Requirements
The 1998 Mega Rule added eight protocols that apply to various characterizations of waste for disposal, cleanup activities, and other matters.
Subpart M
40 C.F.R. §§ 761.240 – 257

* Determining a PCB Concentration for Purposes of Abandonment or Disposal of Natural Gas Pipeline: Selecting Sample Sites, Collecting Surface Samples, and Analyzing Standard PCB Wipe Samples

\[This \ Subpart \ is \ referenced \ in \ 40 \ C.F.R. \ § 761.60(b)(5).\]
Subpart N
40 C.F.R. §§ 761.260 – 274

* Cleanup Site Characterization Sampling for PCB Remediation Waste in Accordance with § 761.61(a)(2)

→ This Subpart is referenced in 40 C.F.R. § 761.61(a)(2).
* Sampling to Verify Completion of Self-Implementing Cleanup and On-Site Disposal of Bulk PCB Remediation Waste and Porous Surfaces in Accordance with § 761.61(a)(6)

→ This Subpart is referenced in 40 C.F.R. § 761.61(a)(6).
Sampling Non-Porous Surfaces for Measurement-Based Use, Reuse, and On-Site or Off-Site Disposal Under § 761.61(a)(6) and Decontamination Under § 761.79(b)(3)

→ This Subpart is referenced in 40 C.F.R. § 761.61(a)(6).
Subpart Q
40 C.F.R. §§ 761.320 – 326

* Self-Implementing Alternative Extraction and Chemical Analysis Procedures for Non-Liquid PCB Remediation Waste Samples

⇒ This Subpart is referenced in 40 C.F.R. § 761.61(a)(5)(i)(B)(2)(iv).
Subpart R
40 C.F.R. §§ 761.340 – 359

* Sampling Non-Liquid, Non-Metal PCB Bulk Product Waste for Purposes of Characterization for PCB Disposal in Accordance with § 761.62, and Sampling PCB Remediation Waste Destined for Off-Site Disposal, in Accordance with § 761.61

→ This Subpart is cited in 40 C.F.R. § 761.62.
Subpart S
40 C.F.R. §§ 761.360 – 378

* Double Wash/Rinse Method for Decontaminating Non-Porous Surfaces

→ This Subpart is referenced in 40 C.F.R. §§ 761.30(p) and 761.79(c)(2)(ii).
Subpart T
40 C.F.R. §§ 761.380 – 398

* Comparison Study for Validating a New Performance-Based Decontamination Solvent Under § 761.79(d)(4)

→ This Subpart is referenced in 40 C.F.R. § 761.79(d)(4).