

PCB Bulk Product Waste Storage Timeframes: U.S. Environmental Protection Agency Response to Region 1 Request for Approval of Extensions



Walter Wright, Jr.
wwright@mwlaw.com
(501) 688.8839

03/24/2025

The United States Environmental Protection Agency (“EPA”) Office of Resource Conservation and Recovery issued a January 17th memorandum titled:

Response to Region 1 Request Regarding PCB Bulk Product Waste Storage Timeframes Under 40 C.F.R. 716.62(c) (“Response”).

The Memorandum was transmitted from EPA Office of Resource and Recovery Director Carolyn Hoskinson to EPA Region 1 Land, Chemicals, and Redevelopment Division Director Stephanie Carr.

EPA Region 1 had submitted a May 6, 2024, request to approve longer storage timeframes for polychlorinated biphenyls (“PCB”) waste under a 40 C.F.R. § 761.62(c) risk-based approval. The request was premised on the requirement that there be no unreasonable risk of injury to health and the environment.

The January 17th Response notes that EPA’s approval of risk-based storage of PCB bulk product waste under the referenced regulatory statute is based on the following:

- Site-specific conditions.
- Information provided in the approval application submitted to EPA.
- EPA’s determination that such storage will not pose an unreasonable risk of injury to health or the environment.

40 C.F.R. § 761.62(c) provides EPA the ability to approve storage of PCB bulk waste for a defined period of time longer than one year if appropriate.

PCB bulk product waste is defined in § 761.3 as:

...waste derived from manufactured products containing PCB in a non-liquid state at any concentration where the concentration at the time of designation for disposal was greater than 50 ppm PCBs.

EPA Region 1 is stated to have identified non-liquid PCBs (“NLPCBs”) in building materials in a growing number of schools following the Vermont legislature’s passage of legislation in 2021 which mandated testing for PCBs in schools built or renovated before 1980. Such materials that contain NLPCBs greater than 50 ppm are noted to not be authorized for used under the Toxic Substances Control Act Section 6(e) and the federal PCB regulations. As a result, they must be removed and disposed of as PCB bulk product waste.

The January 17th Response notes that 761.62(c) permits requests to store PCB bulk product waste in a manner other than described in § 761.65 upon application for approval to the relevant Regional Administrator. The application is required to contain information indicating that:

...based on technical, environmental, or waste-specific characteristics or considerations, the proposed storage methods or locations will not pose an unreasonable risk of injury to health or the environment.

A written decision on each application for a risk-based storage method for PCB bulk product waste on a site-specific basis will be issued if the method is found not to pose an unreasonable risk of injury to health or the environment. Further, where appropriate and based on site-specific conditions, EPA is permitted to approve storage of PCB bulk product waste for a defined period of time longer than the one-year storage limitation.

The Response further notes that a:

...storage timeframe longer than one year may be appropriate when combined with measures to monitor, reduce, and/or eliminate exposure to PCBs prior to disposal (e.g., indoor air sampling and monitoring, air filtration, containment, encapsulation, cleaning procedures, restricted use and access, schedule for disposal) provided that EPA finds there is no unreasonable risk of injury to health or the environment.

A copy of the Response can be downloaded [here](#).