




**OFFICE OF RESOURCE CONSERVATION AND RECOVERY**

WASHINGTON, D.C. 20460

January 17, 2025

**MEMORANDUM**

**SUBJECT:** Response to Region 1 Request Regarding PCB Bulk Product Waste Storage Timeframes under 40 CFR 761.62(c)

**FROM:** Carolyn Hoskinson, Director 

**TO:** Stephanie Carr, Director  
Land, Chemicals, and Redevelopment Division, Region 1

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The purpose of this memorandum is to respond to Region 1's May 6, 2024, request to approve longer storage timeframes for polychlorinated biphenyls (PCB) waste under a 40 CFR § 761.62(c) risk-based approval, provided there is no unreasonable risk of injury to health or the environment.

The U.S. Environmental Protection Agency's approval of risk-based storage of PCB bulk product waste under § 761.62(c) is based on site-specific conditions, information provided in the approval application submitted to the EPA, and the EPA's determination that such storage will not pose an unreasonable risk of injury to health or the environment. As discussed below, where appropriate, the EPA may approve storage of PCB bulk product waste for a defined period of time longer than one year in accordance with § 761.62(c).

**Discussion**

PCB bulk product waste, as defined in § 761.3, is waste derived from manufactured products containing PCBs in a non-liquid state at any concentration where the concentration at the time of designation for disposal was  $\geq 50$  ppm PCBs. Manufactured products containing non-liquid PCBs (NLPCBs)  $\geq 50$  ppm can be found on the interior and exterior of many buildings that were built or renovated approximately between 1950 and 1979. Several types of building materials may contain NLPCBs  $\geq 50$  ppm including caulk, paint and other coatings, sealants, mastics, adhesives, fireproofing materials, ceiling tiles, and acoustic boards.

A growing number of schools in Region 1 have identified NLPCBs  $\geq$  50 ppm in building materials following the Vermont legislature's passage of Act 74 in 2021, which mandated testing for PCBs in schools built or renovated before 1980.

Building materials that contain NLPCBs  $\geq$  50 ppm are not authorized for use under TSCA section 6(e) and the federal PCB regulations; therefore, they must be removed and disposed of as PCB bulk product waste in accordance with § 761.62.

PCB bulk product waste is subject to the one-year storage limitation under § 761.65(a)(1), which provides that PCB waste must be disposed of "within 1-year from the date it was determined to be PCB waste and the decision was made to dispose of it. This date is the date of removal from service for disposal and the point at which the 1-year time frame for disposal begins."

Section 761.62(c) allows any person wishing to store PCB bulk product waste in a manner other than prescribed in § 761.65 to apply for an approval in writing to the Regional Administrator, or designee, in the Region where the storage site is located. Each application must 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. The EPA may request other information that the agency believes necessary to evaluate the application. The EPA will issue a written decision on each application for a risk-based storage method for PCB bulk product wastes on a site-specific basis and will approve such an application if the EPA finds that the method will not pose an unreasonable risk of injury to health or the environment.

In accordance with § 761.62(c), where appropriate and based on site-specific conditions, the EPA may approve storage of PCB bulk product waste for a defined period of time longer than the one-year storage limitation under § 761.65(a)(1). 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 the EPA finds that there is no unreasonable risk of injury to health or the environment.

cc: Ginny Lombardo  
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LCRD Directors, Regions 2-10