

March 30, 2012

By on-line submission to [www.regulations.gov](http://www.regulations.gov)  
Docket ID No. EPA-HQ-RCRA-2011-0847

Mathy Stanislaus  
Assistant Administrator  
Office of Solid Waste and Emergency Response  
U.S. Environmental Protection Agency  
EPA West, Room 3334  
1301 Constitution Avenue, NW  
Washington, DC 20460

**Re: Reinterpretation of PCBs Bulk Product v. Remediation Waste**

Dear Mr. Stanislaus:

On February 29, 2012, EPA sought comment on a proposed reinterpretation regarding the polychlorinated biphenyl (PCB) disposal regulations at 40 CFR.761. Under the proposed reinterpretation, building materials that are contaminated by PCBs from adjacent PCB bulk products (such as caulking or paint that contain PCBs) could be managed as a PCB bulk product waste at the time of disposal instead of being classified as PCB remediation waste. PCB-contaminated building material from which PCB bulk products have been removed would be considered a PCB remediation waste if not disposed of at the same time as the PCB bulk product.

As an environmental consultant practicing in New England for over 25 years, I have had the opportunity to assist clients with a number of projects involving PCBs, including PCBs in buildings. Prior to being a consultant I was employed in USEPA Region 1 where my responsibilities included the enforcement of the PCB regulations. My academic background is in environmental chemistry and toxicology, and I have remained active in PCB related scientific research.

**Support of the Proposed Reinterpretation**

As I understand EPA's proposed change, in the future contractors undertaking the renovation or demolition of buildings and encountering both (a) PCB-containing building products and (b) adjacent PCB-contaminated building materials would no longer have to treat them differently for purposes of waste management and disposal. All of this material could be handled as PCB bulk product waste if removed at the same time.

Based on my experience the tipping fees for the disposal of PCB bulk product waste can be significantly less than the comparable cost for the disposal of PCB remediation waste. Thus, the proposed change may potentially save school

systems and other building owner's considerable trouble and expense when they remove PCBs from buildings. In my opinion, the proposal has considerable merit and should be adopted.

### **A Problem with the Proposal**

The proposed reinterpretation offers potential benefits, but also contains an intrinsic problem because of the requirement that PCB-contaminated building material from which the PCB bulk product has been removed from the substrate remain a remediation waste. This requirement creates practical implementation problems, would be challenging to enforce and unjustly penalizes building owners who have previously taken steps to reduce PCBs in buildings by removing potentially high PCB concentration bulk product waste. To justify this requirement there should be an off-setting environmental or health benefit, is there one? If not, why have the requirement?

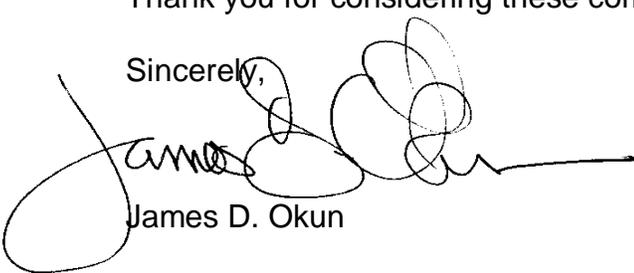
Among the potential practical implementation questions raised by the requirement are:

- What is the appropriate waste designation for building materials if some, but not all of the original bulk product waste has been removed? How much of the original bulk product waste must remain in-place for the surrounding PCB containing building material to be characterized as bulk product waste? How is this to be determination made?
- Will disposal facilities accepting PCB containing building materials and bulk product waste have the responsibility for confirming that the appropriate amount of bulk product waste is present to support the disposal of the associated building materials as bulk product waste?

Considering the challenges posed by the requirement that the original bulk product waste still be in-place for a building owner to take advantage of the proposed regulatory reinterpretation, and the absence of any clear environmental benefit, I believe this requirement should be eliminated from the proposed reinterpretation.

Thank you for considering these comments.

Sincerely,



James D. Okun

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