Message

From: Mullin, Michelle [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=2AE5FC11B98742BAB4287B61E107018C-MULLIN, MICHELLE R]
Sent: 10/17/2016 4:17:53 PM
To: Mike Petersen [mpetersen@landscouncil.org]
Subject: RE: Fungi Project

Hi Mike-
I do not see the PCB results in that table.

Michelle Mullin

From: Mike Petersen [mailto:mpetersen@landscouncil.org]
Sent: Friday, October 14, 2016 3:45 PM
To: Mullin, Michelle <Mullin.Michelle@epa.gov>
Subject: RE: Fungi Project

Please see results, which are under 50 ppm.

From: Mullin, Michelle [mailto:Mullin.Michelle@epa.gov]
Sent: Tuesday, October 11, 2016 2:13 PM
To: Mike Petersen; Schoedel, Elizabeth
Cc: Pearson, Adrianne; Heidi Montez; Davis, Marcia
Subject: RE: Fungi Project

Mike-
Can you please point me to the portion of 761.20 exemptions which state that PCB Remediation Waste <50ppm is exempt from export for use rules?

Thanks,
Michelle Mullin

From: Mike Petersen [mailto:mpetersen@landscouncil.org]
Sent: Tuesday, October 11, 2016 1:02 PM
To: Mullin, Michelle <Mullin.Michelle@epa.gov>; Schoedel, Elizabeth <eschoedel@spokanecity.org>
Cc: Pearson, Adrianne <apearson@spokanecity.org>; Heidi Montez <hmontez@landscouncil.org>; Davis, Marcia <mdavis@spokanecity.org>
Subject: RE: Fungi Project

Michelle,

As I mentioned in an earlier email, the vactor waste is much less than 50 ppm, therefore it is exempt. Our testing is designed to find out whether the fungi breaks it down from parts per TRILLION to parts per QUADRILLION.

Thanks,

Mike

From: Mullin, Michelle [mailto:Mullin.Michelle@epa.gov]
Sent: Tuesday, October 11, 2016 12:10 PM
To: Schoedel, Elizabeth; Mike Petersen

Cc: Pearson, Adrianne; Heidi Montez; Davis, Marcia
Subject: RE: Fungi Project

Hello-
Unfortunately the export of PCBs for use in commerce (i.e., for sampling) is prohibited unless it meets one of the exemptions under 761.20(c).

I don't think this scenario meets any of the exemptions.

Sample analysis is not disposal. But even if it were being exported for disposal, the regulations require that if you do not know the concentration you must assume it is >50ppm

§761.97 Export for disposal.

(a) General provisions. No person may export PCBs or PCB Items for disposal without an exemption, except that:

(1) PCBs and PCB Items at concentrations <50 ppm (or <10 µg PCB/100 cm^2 if no free-flowing liquids are present) may be exported for disposal.

(2) For the purposes of this section, PCBs and PCB Items of unknown concentrations shall be treated as if they contain ≥50 ppm.

To Mike's question- the assumptions for use rules for capacitors do not apply to PCB Remediation Waste.

Please let me know if you have any further questions and I look forward to seeing your updated notification soon.

Sincerely,
Michelle Mullin

From: Schoedel, Elizabeth [mailto:eschoedel@spokanecity.org]
Sent: Sunday, October 09, 2016 2:51 PM
To: Mike Petersen <mpetersen@landscouncil.org>; Mullin, Michelle <Mullin.Michelle@epa.gov>
Cc: Pearson, Adrianne <apearson@spokanecity.org>; Heidi Montez <hmontez@landscouncil.org>; Davis, Marcia <mdavis@spokanecity.org>
Subject: RE: Fungi Project

Additionally, 40 CFR 761.97 provides that PCBs and PCB items at concentrations of less than 50 ppm may be exported for disposal.
I would also add- until the material is tested, It is unknown whether it contains PCBs. Given the nature of this research, it is anticipated that the fungi will break down the PCB molecules.
Please let us know if you have any questions or need further information.
Thank you
ELS

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[No Disclosure Authorized Without Express Consent of Client(s) & City Attorney]

Elizabeth Schoedel | City of Spokane | Assistant City Attorney
509.625.6225 | *fax* 509.625.6277 |ESchoedel@spokanecity.org | www.spokanecity.org

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From: Mike Petersen [mailto:mpetersen@landscouncil.org]
Sent: Thursday, October 06, 2016 4:18 PM
To: Mullin, Michelle
Cc: Pearson, Adrianne; Schoedel, Elizabeth; Heidi Montez; Davis, Marcia
Subject: RE: Fungi Project
Importance: Low

Michelle,

I wanted to check in with you to clarify the nature of our project. The material in question is vactor waste, which is the sludge that is pulled from stormwater drains. The vactor waste is stored by the city at a decanting facility. It contains levels of PCB's that are not detectable at the standard EPA testing levels, but are detectable at the parts per billion and lower levels that requires the use of the 1668 method of testing. The City of Spokane will be sending those samples to Canada, which has one of only two labs in the country that can test at these low levels.

In reading the 761.60(j) *Self-implementing requirements for research and development (R&D) for PCB disposal.* http://www.ecfr.gov/cgi-bin/retrieveECFR?gp=&SID=4b052e88dc9ebadc0dd95b745e7de853&mc=true&n=pt40.34.761&r=PART&ty=HTML

it appears as though that the vactor waste and our samples do not trigger the reporting requirement, since 761.2 (4) would imply that a concentration of less than 50 ppm is considered non-PCB.

§761.2 PCB concentration assumptions for use.

(a)(1) Any person may assume that transformers with <3 pounds (1.36 kilograms (kgs)) of fluid, circuit breakers, reclosers, oil-filled cable, and rectifiers whose PCB concentration is not established contain PCBs at <50 ppm.

(2) Any person must assume that mineral oil-filled electrical equipment that was manufactured before July 2, 1979, and whose PCB concentration is not established is PCB-Contaminated Electrical Equipment (i.e., contains ≥50 ppm PCB, but <500 ppm PCB). All pole-top and pad-mounted distribution transformers manufactured before July 2, 1979, must be assumed to be mineral-oil filled. Any person may assume that electrical equipment manufactured after July 2, 1979, is non-PCB (i.e., <50 ppm PCBs). If the date of manufacture of mineral oil-filled electrical equipment is unknown, any person must assume it to be PCB-Contaminated.

(3) Any person must assume that a transformer manufactured prior to July 2, 1979, that contains 1.36 kg (3 pounds) or more of fluid other than mineral oil and whose PCB concentration is not established, is a PCB Transformer (i.e., ≥500 ppm). If the date of manufacture and the type of dielectric fluid are unknown, any person must assume the transformer to be a PCB Transformer.

(4) Any person must assume that a capacitor manufactured prior to July 2, 1979, whose PCB concentration is not established contains ≥500 ppm PCBs. Any person may assume that a capacitor manufactured after July 2, 1979, is non-PCB (i.e., <50 ppm PCBs). If the date of manufacture is unknown, any person must assume the capacitor contains ≥500 ppm PCBs. Any person may assume that a capacitor marked at the time of manufacture with the statement "No PCBs" in accordance with §761.40(g) is non-PCB.

I look forward to your response.

Mike Petersen
Executive Director
The Lands Council
509-209-2406

From: Mullin, Michelle [mailto:Mullin.Michelle@epa.gov]
Sent: Thursday, October 06, 2016 3:06 PM
To: Pearson, Adrianne
Cc: Mike Petersen; Heidi Montez; Schoedel, Elizabeth
Subject: RE: Fungi Project

Adrianne-
Thank you for the update.
Heidi and Mike- please complete the Notification form and email it to swetland-johnson.karen@epa.gov as soon as possible.

After you receive your ID # you need to update the written notification to the EPA pursuant to 761.60(j) *Self-implementing requirements for research and development (R&D) for PCB disposal.*
http://www.ecfr.gov/cgi-bin/retrieveECFR?gp=&SID=4b052e88dc9ebadc0dd95b745e7de853&mc=true&n=pt40.34.761&r=PART&ty=HTML

The notification should include: "(ii) Notify in writing the EPA Regional Administrator, the State environmental protection agency, and local environmental protection agency, having jurisdiction where the R&D for PCB disposal activity will occur at least 30 days prior to the commencement of any R&D for PCB disposal activity conducted under this section. Each written notification shall include the EPA identification number of the site where the R&D for PCB disposal activities will be conducted, the quantity of PCBs to be treated, the type of R&D technology to be used, the general physical and chemical properties of material being treated, and an estimate of the duration of the PCB activity. "

You have provided some of this, piecemeal, directly to me. But the regulations require notification to the EPA Regional Administrator, and it will be helpful to have it all in one document for the Administrative Record.

Also be sure to follow the storage, record keeping and waste manifesting and transporting rules in that part. We have previously spoken about storage rules, so I do not think there are any surprises there.

However, it was a surprise to me when I heard the intent was to send the samples to a lab in Canada. Export to Canada of PCBs is not allowed, and generally Canada will not allow import. If the samples are properly manifested they should be rejected at the border. Please ensure that a lab within the US is utilized and all shipments are properly manifested and packaged for transport.

Thank you,
Michelle Mullin
206-553-1616

From: Pearson, Adrianne [mailto:apearson@spokanecity.org]
Sent: Wednesday, October 05, 2016 9:33 AM
To: Mullin, Michelle <Mullin.Michelle@epa.gov>
Cc: Mike Petersen (mpetersen@landscouncil.org) <mpetersen@landscouncil.org>; hmontez@landscouncil.org; Schoedel, Elizabeth <eschoedel@spokanecity.org>
Subject: Fungi Project

Hello Michelle,

Thank you for the information regarding the notification of PCB activity form. After careful review it appears that The Lands Council is conducting the research and development and they are the primary point of contact of the project. I attached the form and included The Lands Council on this email in case there are any questions.

We do appreciate the opportunity to work with EPA as the project progresses forward.

Thanks,

Adrianne Pearson | Environmental Analyst

City of Spokane – Wastewater Management | 509.625.7908

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