To: Mullin, Michelle[Mullin.Michelle@epa.gov]; Moore, Kendall[moore.kendall@epa.gov]; Skadowski, Suzanne[Skadowski.Suzanne@epa.gov]; Peachey, Robert[peachey.robert@epa.gov]
From: Ramanauskas, Peter
Sent: Thur 5/5/2016 8:39:26 PM
Subject: RE: Need R5 Input: Draft response to Mr. Mannix re: requirement to remove caulk

I offer the following suggestion in red text below. On Tuesday's call, we may have to acknowledge his question about the Building Q&A #18 with respect to removing the caulk during planned renovations/repairs in light of the remaining language in Q#33.

From: Mullin, Michelle
Sent: Thursday, May 05, 2016 3:26 PM
To: Moore, Kendall <moore.kendall@epa.gov>; Ramanauskas, Peter <ramanauskas.peter@epa.gov>; Skadowski, Suzanne <Skadowski.Suzanne@epa.gov>; Peachey, Robert <peachey.robert@epa.gov>
Subject: Need R5 Input: Draft response to Mr. Mannix re: requirement to remove caulk
Importance: High

Here is my draft response for your comment:

Mr. Mannix-

Thank you for your email following up on our last call.

As we mentioned on the call, ongoing use of caulk contaminated with PCBs at concentrations > 50 mg/kg is unauthorized, and constitutes a non-disposal use violation under TSCA.

40 CFR 761.30 lists the non-totally enclosed PCB activities which are authorized pursuant to section 6(e)(2)(B) of TSCA. Caulk and paint are not a listed authorized use.

The PCB Question and Answer Manual addresses ongoing use at the bottom of page 29. In particular it states that "use and distribution in commerce of unauthorized PCBs is prohibited." https://www.epa.gov/sites/production/files/2015-08/documents/qacombined.pdf This is further reiterated in Question 33 of the July 2015 PCB in Building Materials Q&A document, in particular "EPA regulations implementing the Toxic Substances Control Act (TSCA) prohibit

the use of PCBs in caulk and other building materials manufactured with PCBs at levels greater than or equal to 50 ppm, including the continued use of such materials that are already in place."

EPA expects, and compliance under TSCA requires, that once an unauthorized use is identified, the use is discontinued. Ongoing use of an unauthorized product could carry a $37,000 per day penalty. Is that the correct #? Do we want to include this or not? I can see reasons to include and not- I put it in as a way to motivate them that financially, it is better to remove it than argue against.

You correctly note that the PCBs in Building Materials Q&A Guidance also states that "where testing confirms the presence of PCBs at regulated levels in buildings materials, they must be disposed of in accordance with the PCB regulations at 40 CFR part 761, subpart D." The guidance does not suggest that ongoing use is authorized.

There is longstanding precedence of EPA requiring building owners to remove caulking identified with PCB concentrations above 50 mg/kg in accordance with TSCA.

I look forward to discussing the details of your abatement plan for PCB-containing caulk at the Sky Valley Education Center at our call on Tuesday, May 10.

Sincerely,

Michelle Mullin

PCB Coordinator

US EPA Region 10

1200 6th Avenue |Suite 900 | AWT-150

NOTE NEW MAILING ADDRESS

Seattle, WA 98101

mullin.michelle@epa.gov

206-553-1616

www.epa.gov/region10/pcb.html

From: Moore, Kendall
Sent: Monday, April 25, 2016 11:23 AM
To: Mullin, Michelle <Mullin.Michelle@epa.gov>; Ramanauskas, Peter <ramanauskas.peter@epa.gov>
Subject: RE: PCBs in Caulk and Cleanup Plan Guidance

So that we aren't tripping over each other maybe we should decide who will respond.

From: Mannix, John [mailto:mannixj@monroe.wednet.edu]
Sent: Monday, April 25, 2016 12:38 PM
To: Mullin, Michelle <Mullin.Michelle@epa.gov>
Cc: Piplic, Devlin <piplicd@monroe.wednet.edu>; Moore, Kendall <moore.kendall@epa.gov>; Ramanauskas, Peter <ramanauskas.peter@epa.gov>; Peachey, Robert <peachey.robert@epa.gov>; McArthur, Lisa <McArthur.Lisa@epa.gov>; Skadowski, Suzanne <Skadowski.Suzanne@epa.gov>
Subject: Re: PCBs in Caulk and Cleanup Plan Guidance

Michelle,

Thank you for this information, and especially for the information regarding the school in Indiana for our use as a template. I have scheduled a meeting with our IAQ consultant with PBS Environmental, and we will be working to put together our action plan and establish deadlines.

I do have a question in regard to the removal and disposal of the PCB containing caulk that we discussed on the phone last week. Neither our industrial hygienist consultant from PBS Environmental, nor the Program Manager, School Environmental Health and Safety, Office of Environmental Health & Safety, Department of Environmental Health, for the Washington State Department of Health, have ever heard that it is an absolute

requirement that any known PCB containing caulk be removed. They are both extremely interested in the specific regulation that requires the material to be removed.

Although I have given a quick read to Title 40, Part 761, and particularly to Subpart D - Storage and Disposal of the Certified Federal Registry, which you referred me to, I have been unable to locate that particular requirement.

What I read in Title 40, Part 761, Subpart D speaks to "storing or disposing of PCB waste" or "PCB spills" and not to the required removal of intact PCB building materials. The same is true for the PCBs in Building Materials - Questions and Answers document, dated July 28, 2015, that you provided. Page 10, Question 18, indicates that "EPA *recommends* that PCB-containing caulk and other PCB-containing building materials be removed *during planned renovations and repairs* (when replacing windows, doors, roofs, ventilation, etc.)" It further states that "where testing confirms the presence of PCBs at regulated levels in building materials, they must be *disposed* of in accordance with the PCB regulations at 40 CFR part 761, subpart D." Neither statement seems to require the removal of PCB containing caulk in and of itself.

Please understand that neither I, nor the Monroe School District, are seeking to be difficult or intend to do anything other than follow what the regulations require. I am simply unable, at this time, to point my Superintendent, Board of Directors, or our hired expert consultants, to a statute or regulation that supports the requirement to remove the material now that we know that it contains PCBs.

Given that two of the experts that we are consulting with -- one from a company specializing in industrial hygiene and one a state official specializing in environmental health and safety in schools -- are puzzled by the statement that we are required to remove PCB containing caulk once it is tested to be such, I really do need to understand what is driving the requirement.

If you would please provide me with the specific citation requiring such, it would be of assistance as I discuss this matter with district leadership, as well as with our consultants and state officials.

Regards,

John Mannix

Assistant Superintendent for Operations

200 E. Fremont Street

Monroe, WA 98272

(360) 804-2579

Monroe Public Schools provides an outstanding education that results in all students having a passion for learning.

On Thu, Apr 21, 2016 at 4:18 PM, Mullin, Michelle <Mullin.Michelle@epa.gov> wrote:

John and Devlin-

Thank you for your time on the call today.

This message is to follow up regarding PCBs in caulk and guidance on conducting PCB cleanups.

Please see our website for all questions and concerns relating to PCBs in building materials, especially caulk:

https://www.epa.gov/pcbs/polychlorinated-biphenyls-pcbs-building-materials

This guidance document is especially helpful for addressing many specific questions you may have:

https://www.epa.gov/pcbs/questions-and-answers-about-polychlorinated-biphenyls-pcbs-building-materials

In particular, Question 18 addresses the expectation for caulk with PCBs to be removed and disposed

"Where testing confirms the presence of PCBs at regulated levels in building materials, they must be disposed of in accordance with the PCB regulations at 40 CFR part 761, subpart D. In lieu of testing, caulk and other potentially PCB- containing building materials that are part of building repair and renovation activities may be assumed to contain PCBs at regulated levels and disposed of in accordance with 40 CFR part 761, subpart D."

Per your request, here is the link to the docket for the school in Indiana: https://yosemite.epa.gov/oa/rhc/epaadmin.nsf/All+Dockets+by+Case+Number/TSCA-05-2015-0010

All of the PCB Regulations can be found in the Code of Federal Regulations, Title 40 Part 761 (40 CFR 761) http://www.ecfr.gov/cgi-bin/text-idx?SID=3c4f0052cb71979dd8efd953f1ef9580&mc=true&node=pt40.31.761&rgn=div5

Rules regarding PCB Remediation Waste are in 761.61

Rules regarding bulk product waste (caulk) disposal are in 761.62

Decontamination standards and procedures are in 761.79

These are not the only parts of the PCB regulations that are applicable to your site, but I wanted to highlight them for your use in preparing a cleanup plan.

I have also attached checklists that should help you identify how to prepare a cleanup plan in accordance with the regulatory requirements.

Thank you,

Michelle Mullin

PCB Coordinator

US EPA Region 10

1200 6th Avenue |Suite 900 | AWT-150

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mullin.michelle@epa.gov

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www.epa.gov/region10/pcb.html

From: Mullin, Michelle
Sent: Thursday, April 21, 2016 11:08 AM
To: John Mannix <MannixJ@monroe.wednet.edu>; Piplic, Devlin <piplicd@monroe.wednet.edu>
Cc: Moore, Kendall <moore.kendall@epa.gov>
Subject: FW: FINAL RESULTS- Sky Valley Education Center OCE-009A PCB (Complete)

Hello John and Devlin,

Please see the attached final results from Kendall's inspection.

Sincerely,

Michelle Mullin

PCB Coordinator

US EPA Region 10

1200 6th Avenue |Suite 900 | AWT-150

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