UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION I
1 CONGRESS STREET, SUITE 1100
BOSTON, MASSACHUSETTS 02114-2023

CERTIFIED MAIL – RETURN RECEIPT REQUESTED
Receipt No: 7002 0860 0000 6598 0836

September 29, 2005

John Paul, ESHA Manager
Clariant Corporation
500 Washington Street
Coventry, Rhode Island 02816

Re: Application for Re-Processing of PCB-Contaminated Pigments

Dear Mr. Paul:

This is in response to the Clariant Corporation (Clariant) *Application to Rework PCB-Contaminated Pigment Product*, dated June 27, 2005 and received by EPA on July 7, 2005 (Application). This Application was submitted by Clariant to support its process for the re-processing of contaminated pigments containing PCBs greater than 50 parts per million (> 50 ppm) which were inadvertently generated during manufacturing.

EPA has reviewed the Application and provides the following comments.

1. The title page contains the designation "Attorney-Client Privilege Confidential Business Information"; Section 1 inventory page contains the designation "TSCA Confidential Information". It is unclear if Clariant is claiming this Application as TSCA Confidential Business Information (CBI) or is claiming just CBI. For any submittal that is claimed TSCA CBI, you must clearly identify the portions that are claimed TSCA CBI, include two sanitized versions and address the submittal to the Document Control Officer (Rosina Toscano, mailcode SEP) directly. Please be aware that a claim of TSCA CBI for certain portions of the Application may be problematic, especially for evaluation of analytical methodology. Accordingly, Clariant may wish to consider claiming certain portions (such as inventory) TSCA CBI, and the remainder as CBI under 40 CFR Section 2.203b. If you wish to claim some or all of the information you submit as CBI, you must follow the procedures described in EPA's regulations at 40 C.F.R. Part 2, Subpart B.

2. Clariant has provided insufficient information for EPA's evaluation of the process design. Section 5 contains a simplified process flow chart procedure for reworking the contaminated pigments. However, EPA finds the procedure difficult to follow and is unable in many cases to find the steps referenced in the procedure. It would be helpful if Clariant could provide a schematic of the system design.

3. Flow Diagram, Section 5. There are 2 pathways for solvent recovery; one pathway indicates PCB contaminated solvent and the other pathway shows clean solvent.

    a. For the 1st pathway, it appears that this is the pathway for the distilled PCBs from the slurry solution. It is unclear what the distillation temperature is and if it is satisfactory for the PCB congeners of interest.

    b. The second pathway indicates clean solvent, which may be a misnomer. In the procedure, there appears to be a PCB maximum limit for the clean solvent of 3 ppm. If so, the solvent is not technically "clean" as is inferred in the diagram.

4. The analytical method (Section 6) for the proposed project is Clariant Method GC001.

    a. EPA cannot fully evaluate this method as the GC001-Addendum 1 for standard preparation was not included in the Application.

    b. Step 5.4.1.2, last paragraph. The step refers to addition of anhydrous sodium sulfate for removal of sulfuric acid. Please note that this explanation is slightly misleading. The sodium sulfate will remove **water** from the solution. Since the water contains the sulfuric acid, it will be removed with the water.

    c. The method proposes GC calibration using 3 tetrachlorobiphenyl (TCB) standards: The only data presented in the Application reported the PCBs as "total PCBs" and did not include the specific congeners identified. As such, EPA can make no determination on the adequacy of the selected calibration standards.

    d. The method contained no information on calibration procedures or on data quality and method evaluation.

5. Page 3 of the narrative (schedule discussion) refers to reworking of pigment material containing < 50 ppm and that all results have been successful. Clariant should include any information pertaining to this reworking in this Application. For example, a discussion of the materials reworked, the procedure employed, and the pre- and post-reworking PCB analytical results should be included.

As a point of clarification, please be aware that a Consent Agreement and Final Order (CAFO) will need to be executed to return PCB-contaminated product from Mexico for purposes of "reworking". In addition, since the PCB-contaminated product currently stored at Clariant is unauthorized, the CAFO must be executed and include a reference to the Application or any workplan approved by EPA prior to "reworking" of this product.

Should you have any questions, please feel free to call me at (617) 918-1527.

Sincerely,

Kimberly N. Tisa, PCB Coordinator
Office of Ecosystem Protection/Chemical Management Branch

cc: M. Milette, EPA
T. Olivier, EPA