



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION III
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Philadelphia, Pennsylvania 19103-2029

OVERNIGHT MAIL

Mr. Chris Solloway
Group Manager, Permits Section
Division of Municipal and Residual Waste
Bureau of Waste Management
Pennsylvania Department of Environmental Protection
P.O. Box 69170
Harrisburg, PA 17106-9170

RE: Comments on WMGR096

Dear Mr. Solloway:

The U.S. Environmental Protection Agency Region III's (EPA) has reviewed the proposed amendments to the Pennsylvania Department of Environmental Protection's (PADEP) General Permit No. WMGR096, Beneficial Use of Regulated Fill, which were published in the Pennsylvania Bulletin on October 6, 2018. EPA comments are being submitted by email and by overnight mail. EPA offers the following comments to help provide clear direction and certainty to the regulated community:

1. **Section D.1.a.** The permit states that regulated fill may be beneficially used provided none of the constituent levels in Tables GP-1a or GP-1b are exceeded. Table GP-1a, Regulated Fill Concentration Limits for Organics, sets forth a list of regulated fill levels which includes polychlorinated biphenyls (PCBs). Table GP-1a and the regulated fill concentration limits for PCBs are listed by seven individual PCB aroclors with a total PCB concentration limit of 205.53 parts per million (ppm).

EPA requests that PADEP insert an asterisk next to each of the PCB aroclors in Table GP-1a which would refer the reader to **Section E.3** and **E.5.b.iii** regarding the use of PCB-containing material to make it clear that compliance with the PCB concentrations set forth in Table GP-1a do not assure compliance with EPA's regulations implementing Toxics Substances Control Act (TSCA) set forth at 40 C.F.R. Part 761.

2. **Section E.3** states:

“PCBs shall be collected in accordance with EPA’ Standard Operating Procedures for Sampling Porous Surfaces for Polychlorinated Biphenyls (PCBs). Compliance with the levels set forth in this general permit [i.e. Table GP-1a] do not assure compliance with the federal PCB requirements of the Toxic Substances and Control Act, 15 U.S.C. Section 2601 et seq. and 40 C.F.R. Part 761. Contact the EPA Region 3 PCB Coordinator at R3_Coor@epa.gov to determine the allowable PCB level for your site and situation prior to acceptance of material with sample results over 2 ppm. **Proof that EPA Region 3 PCB Coordinator has approved acceptance at the receiving site for PCB results over 2 ppm is required for authorization to beneficially use regulated fill.** Applications that do not contain the EPA Region 3 approval for PCB results over 2 ppm will be deemed administratively incomplete.”

Similar language is found at **Section E.5.b.iii**:

“If new sources of regulated fill from a new or existing donor site are to be used at an approved beneficial use location, the permittee shall do the following: [Submit] **proof that EPA Region 3 PCB Coordinator has approved acceptance at the receiving site if there are PCB results over 2 ppm.** New Source submittals that do not contain the EPA Region 3 approval for PCB results over 2 ppm will be deemed administratively incomplete.”

Contacting the EPA Region 3 Coordinator is acceptable, but approval should be required from EPA Region 3 and not specifically from the EPA Region 3 PCB Coordinator (as emphasized in bold above).

3. Section E.2 Sampling and Analysis and the referenced Appendix A of the Department’s Management of Fill Policy Section A.

The permit states at Section E.2 that samples shall be collected and analyzed in accordance with Appendix A of the Department’s Management of Fill Policy, Doc. No. 258-2182-773.

Appendix A, Section A of the Department’s Management of Fill Policy states:

“ . . . For fill containing PCBs at any concentration, samples used to quantify the PCB concentration in the fill must be collected in accordance with EPA’s Standard Operating Procedure for Sampling Porous Surfaces for Polychlorinated Biphenyls (PCBs).”

Both the Beneficial Use Permit (WMGR096) and the Management of Fill Policy define fill as “soil, stone, rock, gravel, used asphalt, and brick, block or concrete from construction demolition activities that is separate from other waste and recognizable as such”.

EPA’s SOP for sampling porous surfaces is applicable to concrete, brick, asphalt, cement, sandstone, limestone, unglazed ceramic, wood, wall plasterboard, low density plastics,

rubber, caulking and other PCB suspected soft porous surfaces. The EPA SOP for sampling porous surfaces is not applicable to soils.

Based upon the facts noted above, the Department's Beneficial Use Permit (WMGR096) and the Management of Fill Policy do not provide sampling procedures for PCBs in soils. The following sentence needs to be included: "Soil samples must be collected and analyzed in accordance with 40 C.F.R. Part 761, Subpart N and R."

4. Section E.2 Sampling and Analysis and the referenced Appendix A of the Department's Management of Fill Policy, Section B.

The permit states at Section E.2 that samples shall be collected and analyzed in accordance with Appendix A of the Department's Management of Fill Policy, Doc. No. 258-2182-773. Appendix A, Section B of the Department's Management of Fill Policy states:

"The sampling and subsequent analysis of fill stored in piles may be performed by collecting composite or discrete samples, unless the samples are being used to quantify the concentration of PCBs in the fill."

Section B must include a statement that directs the reader on how to sample piles for the presence of PCBs. The following sentence needs to be included: "Sampling and analysis of piles for PCBs must comply with 40 C.F.R. Part 761, Subpart R."

5. Section E.2 Sampling and Analysis and the referenced Appendix A of the Department's Management of Fill Policy, Section C.

The permit states at Section E.2 that samples shall be collected and analyzed in accordance with Appendix A of the Department's Management of Fill Policy, Doc. No. 258-2182-773. Appendix A, Section C of the Department's Management of Fill Policy does not include sampling requirements of in-situ fill for PCBs. EPA comments that the following sentence needs to be included: "Sampling and analysis of in-situ fill for PCBs must comply with 40 C.F.R. § 761, Subpart N."

Thank you for the opportunity to provide comments. Any questions concerning the comments should be directed to Kelly Bunker, EPA Region 3 PCB Coordinator, at (215) 814-2177 or bunker.kelly@epa.gov.

Sincerely,



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Land and Chemicals Division

cc: Walt Harner, Director, PADEP, BWM
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