



Contaminated Site Remediation & Redevelopment



From NJ Department of Environmental Protection
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Subject Amendments to 40 CFR Part 761 regarding PCB remediation

On August 29, 2023, the United States Environmental Protection Agency (EPA) published amendments to the Toxic Substances Control Act (TSCA) at 40 CFR Part 761 relating to PCB remediation to "improve the implementation of the regulations, clarify ambiguity, and correct technical errors." The effective date for these amendments is February 26, 2024.

As these amendments will affect the remedial process for licensed site remediation professionals (LSRPs) dealing with PCBs at their sites, below is a brief summary of the changes. All TSCA rule amendments and supporting reasoning can be found in the Federal Register: <https://www.federalregister.gov/documents/2023/08/29/2023-17708/alternate-pcb-extraction-methods-and-amendments-to-pcb-cleanup-and-disposal-regulations>.

Summary of amendments:

1. Revised available extraction methods for PCBs.
 - Added for solid matrices from SW-846:
 - Method 3541 (Automated Soxhlet Extraction), Method 3545A (Pressurized Fluid Extraction), and Method 3546 (Microwave Extraction).
 - Added for aqueous matrices from SW-846:
 - Method 3510C (Separatory Funnel Liquid-Liquid Extraction), Method 3520C (Continuous Liquid-Liquid Extraction), and Method 3535A (Solid-Phase Extraction).
 - Updated SW-846 Method 3550B to newer Method 3550C and limited the use of Method 3550C to wipe samples only.
2. Revised available determinative methods for PCBs:
 - Added SW-846 Method 8082A to the regulations.
 - Updated the inclusion of CWA Method 608 (Organochlorine Pesticides and PCBs) to the newer Method 608.3 (Organochlorine Pesticides and PCBs by GC/HSD).
3. Revised Performance-Based Disposal option for remediation at § 761.61(b) to include provisions for:
 - Applicability (prohibited use of performance-based cleanup at sites near sensitive populations or environments)
 - Cleanup levels
 - Verification Sampling
 - Recordkeeping and notification (established a 30-day post-cleanup notification requirement)
 - Disposal of non-liquid PCB remediation waste at RCRA Subtitle C landfills
4. Removed regulatory provision that allows for disposal of PCB bulk product waste under asphalt as part of a roadbed (§ 761.62(d)(2)).
5. Increased flexibility and practicality for cleanup of spills caused by and managed in emergency situations.

- Permission to clean up a spill caused by an emergency situation based on the as-found PCB concentration when the source concentration cannot readily be determined.
 - Adding flexibility to the timeframe notification policy
 - Allowing individuals to request a waiver from PCB cleanup and disposal requirements in emergency situations.
6. Harmonized general disposal requirements for PCB remediation waste.
- Changed the language at § 761.50(b)(3)(ii) from, "at as-found concentrations ≥ 50 ppm" to, "(ii) Any person responsible for PCB waste that was either placed in a land disposal facility, spilled, or otherwise released into the environment on or after April 18, 1978, but prior to July 2, 1979, where the concentration of the spill or release was ≥ 500 ppm; or placed in a land disposal facility, spilled, or otherwise released into the environment on or after July 2, 1979, where the concentration of the spill or release was ≥ 50 ppm, must dispose of it in accordance with either of the following".
7. Additional changes were made to improve regulatory implementation. See the Federal Register at the link referenced above for more details.

EPA has conducted several training sessions to outline the changes in the regulations. A copy of the EPA-provided training slides can be viewed here: <https://www.epa.gov/pcbs/alternate-pcb-extraction-methods-and-amendments-pcb-cleanup-and-disposal-regulations>.

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