VOLUME 19

"POLYCHLORINATED BIPHENYL (PCB) MANAGEMENT"

SUMMARY OF VOLUME 19 CHANGES

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VOLUME 19: POLYCHLORINATED BIPHENYL (PCB) MANAGEMENT

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REFERENCES

(a) 15 U.S.C. 2601
(b) Part 761 of Tile 40, Code of Federal Regulations (40 CFR 761)
(c) 49 CFR 171
(d) 49 CFR 180
(e) DoD Directive 4140.01, "Supply Chain Materiel Management Procedures: Operational Requirements," February 10, 2014
(f) SECNAV M-5210.1

Report Required: Annual Polychlorinated Biphenyl (PCB) Inventory Report (Report Control Symbol MC-5090-02), Chapter 3, paragraph 031502

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VOLUME 19: CHAPTER 1

"SCOPE"

SUMMARY OF SUBSTANTIVE CHANGES

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CHAPTER 1

SCOPE

0101 PURPOSE

This Volume establishes Marine Corps policy and responsibilities for compliance pursuant to Sections 2601 et seq. of Title 15, United States Code (15 U.S.C. 2601 et seq.) (also known and referred to in this Order as "Toxic Substances Control Act" (TSCA))(Reference (a)) for managing polychlorinated biphenyls (PCBs). Additionally, the requirements for managing PCBs under other environmental statutes are briefly addressed. Although this Volume deals primarily with the management of PCBs, it recognizes that occupational safety and health policies and regulations regarding workplace exposure shall be integrated into the management of PCBs to attain an effective program. Marine Corps installations shall comply with all applicable federal, state, and local regulatory requirements regarding PCB management.

0102 APPLICABILITY

See Volume 1 paragraph 0102.

0103 BACKGROUND

PCBs are either oily liquids or solids that are colorless to light yellow and can exist as a vapor in air. PCBs have been used as viable replacement for combustible insulating fluids, coolants, and lubricants in transformers, capacitors, and other electrical equipment. PCBs have also been used in fluorescent light ballasts. PCBs are not naturally occurring; however, they are manufactured from a mixture of individual chlorinated compounds and had been marketed under the trade name Aroclor. The manufacture of PCBs was stopped in the United States in 1977. PCBs are regulated in accordance with Part 761 of Tile 40, Code of Federal Regulations (40 CFR 761) (Reference (b)) as part of Reference (a). The PCB regulations and requirements apply to both PCB waste materials and PCBs that are still in use.

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VOLUME 19: CHAPTER 2

"AUTHORITY"

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CHAPTER 2

AUTHORITY

0201 FEDERAL STATUTES

020101. TSCA of 1976 (15 U.S.C. 2601 et seq.).

020102. Resource Conservation and Recovery Act (RCRA) of 1976 (42 U.S.C. 6901 et seq.).

020103. Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA) of 1980, as amended (42 U.S.C. 9601 et seq.).

020104. Water Quality Act of 1965 (Public Law 89-234); Water Quality Improvement Act of 1970 (Public Law 91-224); Federal Water Pollution Control Act of 1972, as Amended (33 U.S.C. 1251 et seq.); and Clean Water Act of 1977, as Amended (33 U.S.C. 1251 et seq.).

020105. Clean Air Act of 1970, as Amended (42 U.S.C. 7401 et seq.).

020106. Emergency Planning and Community Right-to-Know Act of 1986 (42 U.S.C. 11001 et seq.).

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VOLUME 19: CHAPTER 3

"REQUIREMENTS"

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CHAPTER 3

REQUIREMENTS

0301 GENERAL

Marine Corps installations shall comply with all applicable federal, state, and local regulatory requirements relating to PCB management.

0302 USE/REUSE OF POLYCHLORINATED BIPHENYL (PCB) ITEMS

030201. Except as authorized in accordance with section 30 of Reference (b), the U.S. Environmental Protection Agency (EPA) bans the use of any PCB or PCB item, regardless of concentration, in any manner not totally enclosed in accordance with section 20 in Reference (b).

030202. PCB concentrations should be determined on a weight-per-weight basis for non-liquid and on a weight-per-volume basis for liquid, if the density of the liquid is also reported. PCB concentrations may also be established through the following methods:

A. Testing the equipment using specific methods.

B. Manufacturer's nameplate.

C. Service records.

030203. No person may avoid any provision specifying a PCB concentration by diluting the PCBs unless otherwise specifically provided.

030204. The following assumptions may be used to determine whether the items contain PCBs without analytical testing:

A. Transformers with less than 1.36 kilograms (kg) (3 pounds (lb)) of fluid, circuit breakers, reclosers, oil-filled cable, and rectifiers, whose PCB concentration is not established, are assumed to contain PCBs at concentrations less than 50 parts per million (ppm).

B. The following items are considered to contain PCBs, if manufactured prior to 2 July 1979, except pole-top and pad-mounted distribution transformers.

1. Mineral oil-filled electrical equipment with no known concentration.

2. Transformers containing 1.36 kg (3 lb) or more of fluid other than mineral oil and whose concentration are unknown or manufacture date are missing.

3. Capacitors with unknown concentrations or unknown manufacture date.

C. Items manufactured after 2 July 1979 use electrical equipment and capacitors that are assumed to contain PCBs at concentrations less than 50 ppm.

030205. Pursuant to section 30 of Reference (b), non-totally enclosed PCBs at any concentration may be used in transformers (other than railroad transformers) for purposes of servicing, including rebuilding these transformers for the remainder of their useful lives, if the following conditions are met:

A. Marine Corps installations shall not use or store for reuse PCB large high voltage capacitors (LHVCs) (contain 1.36 kg (3 lb) or more of dielectric fluid and operate at or above 2,000 volts (alternative or direct current)), PCB large low voltage capacitors (LLVCs) (contain 1.36 kg (3 lb) or more of dielectric fluid and operates below 2,000 volts (alternative or direct current)), PCB transformers, or electromagnets that pose an exposure risk to human food or animal feed.

B. It is prohibited to install PCB transformers that have been placed in storage for reuse or that have been moved from another location in or near commercial buildings without retrofitting.

C. Installations shall register all PCB transformers (including pole-mounted PCB transformers and those stored for reuse) with any fire department on- or off-installation able to respond to a fire, and with EPA.

0303 LABELING AND IDENTIFICATION

030301. Pursuant to section 40 of Reference (b), Marine Corps installations shall label, as illustrated in Figures 3-1 or 3-2, the following PCB items in existence on or after 1 July 1978 that are in use or being removed from use:

A. PCB containers.

B. All PCB transformers and equipment.

C. All PCB LHVCs and equipment containing PCB LHVCs should be marked individually. If one or more PCB LHVCs are installed in a protected location, such as on a power pole, in a structure, or behind a fence, the pole, structure, or fence should be marked as illustrated in Figure 3-1, "LARGE PCB MARK - ML," and procedures to identify the PCB LHVC should be maintained at the protected location.

CAUTION
CONTAINS
PCBs
(Polychlorinated Biphenyls)

A toxic environmental contaminant requiring
special handling and disposal in accordance with
U.S. Environmental Protection Agency Regulations
40 CFR 761--For Disposal Information contact
the nearest U.S. EPA Office

In case of accident or spill call toll-free the US Coast Guard National Response Center 800 424-8802 Also Contact _____ Tel No. _____

Figure 3-1.--LARGE PCB MARK - ML. (Reference (b), section 45(a))

CAUTION CONTAINS PCBs **(Polychlorinated Biphenyls)** FOR PROPER DISPOSAL INFORMATION CONTACT U.S. ENVIRONMENTAL PROTECTION AGENCY

Figure 3-2.--SMALL PCB MARK - MS. (Reference (b), section 45(b))

D. PCB LLVCs.

E. Electric motors using PCB coolants, hydraulic systems, and heat transfer systems containing PCBs at concentrations between 50 and 500 ppm.

F. PCB article containers.

G. Each storage area used to store PCBs and PCB items.

030302. Labeling PCB-contaminated electrical equipment (e.g., electromagnets, switches, circuit breakers, and voltage regulators), regardless of PCB concentration, is not required.

030303. Label each end and sides of each transport vehicle loaded with PCB containers that contain more than 45 kg (99.4 lb) of liquid PCBs at concentrations of 50 ppm or greater or with one or more PCB transformers.

030304. Label with the statement “No PCBs” each of the following items manufactured between 1 July 1978 and 1 July 1998 that do not contain PCBs:

A. Fluorescent light ballasts.

B. LLVCs.

C. Small capacitors normally used in alternating current circuits.

030305. Label as illustrated in Figure 3-1, “LARGE PCB MARK - ML,” each PCB transformer location, including the vault door, machinery room door, fence, hallway, other means of access, and manhole covers.

030306. New transformers and related equipment are no longer manufactured with PCBs and no longer require permanent labels stating they are PCB-free (i.e., no detectable PCBs). Activities may still find it useful to mark the items non-PCB for inventory purposes.

0304 FLUORESCENT LIGHT FIXTURES

030401. Light ballasts are the primary electric components of fluorescent light fixtures and are generally composed of a transformer to reduce the incoming voltage, a small capacitor (which may contain PCBs), and possibly a thermal cut-off switch and/or safety fuse. The use of PCBs in ballasts manufactured prior to EPA's 1978 ban on PCBs is not regulated by EPA.

030402. All light ballasts manufactured between July 1, 1979 and July 1, 1998 that do not contain PCBs shall be marked by the manufacturer with the statement "No PCBs" and can be considered unregulated in accordance with Reference (a). For those ballasts manufactured prior to 1978, or for those ballasts that contain no statement regarding PCB content, the installation shall assume that they do contain PCBs or determine concentration using methods provided in accordance with section 20 of Reference (b).

030403. The following are TSCA disposal requirements for fluorescent light ballast, depending on concentration (Reference (b)):

A. Ballasts that are intact and non-leaking with PCB concentrations of 50 ppm or greater are considered PCB bulk product waste and require manifesting and labeling for disposal. They may be disposed of in a TSCA incinerator or a TSCA/RCRA landfill.

B. Ballasts that are intact and non-leaking with PCB concentrations less than 50 ppm do not require additional labeling or manifesting. They may be disposed as municipal solid waste.

C. Ballasts that are leaking at any PCB concentration (i.e., either less than or greater than 50 ppm) are considered PCB bulk product waste and require manifesting and labeling for disposal. They may be disposed of in a TSCA incinerator or a TSCA/RCRA landfill.

0305 TRANSFORMERS

The Marine Corps' goal is to eliminate all PCB transformers containing concentrations of 50 ppm or more from inventory. To reduce future potential liabilities, the Marine Corps shall accomplish transformer elimination by replacement or by removal with load transfer to other non-PCB transformers. Retrofill is an acceptable alternative to transformer replacement when the economic benefit is clear and when a transformer is difficult or impossible to replace because of the constraints of their physical location.

030501. Determine by gas chromatography or another appropriate EPA-approved method, the PCB concentrations for all pad-mounted and pole-mounted transformers. Mark transformers in accordance with federal, state, and/or local requirements. Note PCB test results (in ppm) for each transformer in the installation records.

030502. PCB transformers in use in or near commercial buildings shall be registered with building host owners. Host installations will inform tenants as to the location and type of any PCB transformers in or near all buildings they occupy. The Marine Corps policy is to treat Marine Corps military or civilian personnel assembly buildings, educational properties, institutional properties (including museums, hospitals, or clinics), residential properties (living quarters), stores, office buildings (including administrative buildings), and transportation centers (including airport terminal buildings, bus stations, or train stations) as commercial buildings.

0306 CAPACITORS

The Marine Corps' goal is to eliminate all PCB capacitors from the inventory. In furtherance of this goal, Marine Corps installations shall

030601. Establish an accurate inventory of PCB capacitors based on manufacturing information.

030602. Mark LHVCs and LLVCs with PCB concentrations over 50 ppm as PCB-contaminated, and label each with the sample identification number and concentration.

030603. Mark LHVCs and LLVCs established as not containing PCBs as non-PCB and record the PCB classification of each capacitor in installation records.

0307 OTHER POLYCHLORINATED BIPHENYL (PCB)-CONTAINING EQUIPMENT

The Marine Corps policy is to eliminate PCBs from all Marine Corps-owned electrical distribution systems and equipment containing hydraulic fluids, cooling oils, and lubricating oils.

0308 STORAGE

030801. Pursuant to the requirements in section 35 of Reference (b), PCB articles may be stored for reuse in an area not designated as storage for disposal if the following conditions are met:

A. No more than 5 years after the date the PCB article was originally removed from use if the PCB article is properly marked as described in paragraph 0303 and records are maintained, such as date removed from use, future location and use, and date of any scheduled repair and servicing.

B. More than 5 years if a request for an extension to the EPA regional office has been approved in writing.

030802. Pursuant to section 65 of Reference (b), the following requirements apply to the storage for disposal of PCBs or PCB items at concentrations of 50 ppm or greater:

A. Any PCB waste may be stored for up to 1 year from the date it was removed from service for disposal. PCB waste may be stored for an additional 1 year (2 years total) upon a request, justification, and written approval from the EPA regional office. The installation shall send

a copy of the request and EPA approval to Headquarters, Marine Corps, Facilities Division (HQMC (LF))/Marine Corps Installations Command, Facilities Directorate for Environmental Management (MCICOM (GF-5)).

B. The storage facility shall have adequate roof and walls to prevent rainwater from reaching the stored PCBs and PCB items.

C. The facility shall have an adequate floor with a continuous 6 inch-high curbing constructed of Portland cement, concrete, or a continuous, smooth, non-porous surface as defined by Reference (b), section 3, which prevents or minimizes penetration of PCBs. In accordance with Reference (b), section 65, the facility's containment volume shall be equal to at least 2 times the internal volume of the largest PCB article or PCB container or 25 percent of the total internal volume of all PCB articles or PCB containers, whichever is greater.

D. The facility cannot have drain valves, floor drains, expansion joints, sewer lines, or other openings that would permit liquids to flow from the curbed area.

E. The facility cannot be located at a site that is below the 100-year flood water elevation.

030803. Pursuant to section 65(c) in Reference (b), the following PCB items may be stored temporarily in an area that does not comply with requirements described in paragraphs 030802.A through 030802.E for up to 30 days from the date of their original removal from service:

A. Non-leaking PCB articles and PCB equipment.

B. Leaking PCB articles and PCB equipment if the PCB items are placed in a non-leaking PCB container that contains sufficient sorbent materials to absorb any liquid PCBs remaining in the PCB items.

C. PCB containers containing non-liquid PCBs such as contaminated soil, rags, and debris.

D. PCB containers containing liquid PCBs at concentrations of 50 ppm or greater, provided a Spill Prevention, Control and Countermeasure Plan (SPCC) has been prepared for the temporary storage area and the liquid PCB waste is in packaging authorized in the Department of Transportation hazardous material (HM) regulations in accordance with 49 CFR 171 (Reference (c)) and 49 CFR 180 (Reference (d)). Information on preparing an SPCC Plan is provided in Volume 18, Storage Tank Management, of this Order.

030804. EPA requires that the date of removal from service be attached to all items in temporary storage.

030805. Bulk PCB remediation waste or PCB bulk product waste may be stored at the clean-up site or site of generation for 180 days if conditions are in accordance with Section 65(c)(9) of Reference (b) are met.

030806. The Marine Corps shall inspect all PCB items in storage for leaks at least every 30 days. Any PCB items discovered to be leaking shall be transferred to a non-leaking container immediately. Any spilled or leaked material shall be immediately cleaned up and disposed of in accordance with requirements.

0309 TRANSPORTATION

PCBs shall be transported in accordance with References (c) and (d). All PCB waste being transported within the United States shall be accompanied with a manifest, which is signed by the generator and the transporter pursuant to section 208 of Reference (b) and paragraph 031402. In accordance with subpart F of Reference (b), all transboundary shipments (i.e., import and export) for disposal of PCBs with concentrations of 50 ppm or greater are prohibited without an EPA exemption.

0310 DISPOSAL

031001. Dispose of PCBs and PCB items with concentrations of 50 ppm or greater within 1 year of the date they were determined to be PCB wastes. Disposal options and requirements are dependent on the type of PCB waste and are discussed in section 60 of Reference (b).

031002. For PCB liquids containing concentrations greater than 50 ppm, disposal is generally via high-temperature incinerators permitted by EPA. Certain PCB liquids (at concentrations greater than 50 ppm but less than 500 ppm) may be disposed of in a chemical waste landfill or a high-efficiency boiler, provided specific EPA requirements are met.

031003. PCB articles such as transformers, PCB capacitors, and hydraulic machines are generally cleaned with an appropriate solvent and then incinerated. PCB containers shall be emptied of fluid and rinsed with appropriate solvent before they can be incinerated or disposed of in a municipal solid waste landfill or a chemical waste landfill.

031004. PCB remediation waste shall be disposed of in accordance with section 61 of Reference (b) at the current PCB concentration.

031005. PCB bulk product waste may be disposed of in a chemical waste or hazardous waste (HW) landfill, by incineration, or through decontamination. Section 62 of Reference (b) identifies other methods of disposal for particular bulk waste that can be disposed of in a municipal landfill or non-municipal nonhazardous waste landfill. Materials should be analyzed to determine appropriate disposal methods and their leaching potential.

0311 MARINE CORPS AND DEFENSE LOGISTICS AGENCY (DLA) PCB INTERFACE

DoD Directive 4140.01 (Reference (e)) designates DLA Dispositions Services as the responsible agency for worldwide disposal of all PCBs and PCB items. Marine Corps installations shall use the DLA Dispositions Services PCB contract disposal services, unless requirements cannot be met and justification of a waiver is provided in accordance with Appendix B. If installations use other appropriate contract authority to procure PCB disposal services, they shall ensure that the contract requirements comply with all federal, state, and local PCB regulations. Installations shall verify

contract requirements and contract quality control procedures are at least as stringent as those used by DLA Disposition Services.

0312 EMERGENCY RESPONSE AND REPORTING

031201. The Marine Corps shall immediately report any fire-related incidents involving PCB transformers to the National Response Center (NRC) by calling 800-424-8802. PCB transformer owners shall take measures to contain and control any potential releases of PCBs and incomplete combustion products into water. Fires involving PCBs can generate extremely toxic reaction products (e.g., dioxins); therefore, if a fire starts, immediately evacuate the building.

031202. Report spills that directly contaminate surface water, sewer, drinking water supplies, grazing lands, or vegetable gardens to the appropriate EPA regional office within 24 hours. States, particularly those that regulate PCBs as a HM/HW, may have a more stringent reporting requirement. Failure to properly report such spills can result in both civil and criminal liability.

031203. PCBs are hazardous substances as defined by Reference (a) and CERCLA, requiring spills to be reported as follows: a spill of a reportable quantity (RQ) of PCB (RQ = 0.45 kg (1 lb)) or greater shall be reported to the appropriate response organizations and regulatory agencies within the required deadlines (see Volume 7 of this Order) and to HQMC (LF)/MCICOM (GF) via the Spill Reporting module on the EM Portal. Releases of a mixture containing PCBs shall be reported only when the amount of the PCB component released exceeds the RQ. If the concentration of PCBs in the mixture is unknown, the release shall be reported if the total amount of the mixture spilled is 0.45 kg (1 lb) or more in accordance with section 125 in Reference (b).

0313 NOTIFICATION OF POLYCHLORINATED BIPHENYL (PCB) WASTE ACTIVITY

Installations that handle PCB waste shall notify EPA of such activities by filing EPA Form 7710-53 in accordance with section 205 of Reference (b). It is illegal for installations to process, store, dispose of, transport, or offer transportation of any PCB wastes without notifying EPA and obtaining an EPA identification number as defined by section 202 of Reference (b).

0314 POLYCHLORINATED BIPHENYL (PCB) RECORDKEEPING AND REPORTING

Pursuant to section 180 of Reference (b), the following recordkeeping and reporting requirements apply to PCBs and PCB items in use or projected for disposal:

031401. Annual Records and Document Logs

Each installation using or storing at any one time at least 45 kg (99.2 lb) of PCBs in PCB containers, 1 or more PCB transformers, or 50 or more PCB LHVCs or PCB LLVCs shall maintain all annual records and a written annual document log of PCB waste disposal activities. These records and the log shall be retained pursuant to SECNAV M-5210.1 (Reference (f)).

A. Annual records shall include all signed manifests for the calendar year; records of inspection, maintenance, repairs and cleanups; and all Certificates of Disposal.

B. The written annual document log shall be completed for the previous calendar year. The written annual document log shall contain the following specific inventory information for each type of PCB item:

1. Name, address, and EPA identification number of the facility and the calendar year covered by the annual document log.

2. Manifest number of every manifest generated by the facility during the calendar year.

3. Total number by specific type of PCB articles, PCB article containers, PCB containers, PCB transformers, and any PCBs and PCB items in PCB containers.

4. Total weight in kg of PCBs in PCB article containers and PCB transformers, total weight in kg of contents of PCB containers and PCB article containers, and total weight of PCB LHVCs or LLVCs remaining in service at the facility at the end of the calendar year.

5. A formal record shall be maintained confirming receipt of PCBs transported offsite by an independent transporter.

031402. Manifesting Polychlorinated Biphenyl (PCB) Wastes

A generator who relinquishes control over PCB wastes for commercial off-site disposal shall prepare a manifest using EPA Form 8700-22 (including a continuation sheet if necessary) or the appropriate state manifest. If the generator uses an independent transporter to ship the waste and the generator does not receive a signed copy of the manifest from the disposer or commercial storer within 35 days of shipment, the generator should contact the transporter and/or disposer to determine the disposition of the waste. If the generator does not receive a manifest from the disposal facility within 45 days of shipment, the generator shall file an exception report with the EPA regional office. Copies of the manifests shall be retained pursuant to Reference (f) and per section 208 in Reference (b).

031403. Certificates of Disposal and 1-Year Exception Reports

For each shipment of manifested PCB waste, the disposer is obligated to prepare a Certificate of Disposal that shall be sent to the generator within 30 days of the date of disposal in accordance with section 218 of Reference (b). A generator who manifests PCBs or PCB items to a disposer of PCB waste shall submit a 1-Year Exception Report to the EPA regional administrator whenever the following criteria are met in accordance with section 215 in Reference (b):

A. The generator has not received a Certificate of Disposal within 13 months from the date of removal from service.

B. The generator receives a Certificate of Disposal for a disposal date more than 1 year after the date of removal from service.

0315 POLYCHLORINATED BIPHENYL (PCB) ANNUAL DATA CALL

In conjunction with the Hazardous Waste Annual Data Call, all Marine Corps installations shall review and verify the accuracy of the previous year's PCB Inventory Report via the Environmental Management (EM) Portal. When there are changes in the information contained in the previous year's report, installations shall submit an updated annual PCB Inventory Report, PCB Elimination Plan, or a PCB-Free Certification.

031501. Polychlorinated Biphenyl (PCB) Questionnaire

All Marine Corps installations shall complete the annual PCB Questionnaire to acknowledge whether there have been changes to the installation's PCB-free status, PCB inventory, or PCB Elimination Plan. Completed questionnaires shall be submitted via email to HQMC (LF)/MCICOM (GF-5).

031502. Polychlorinated Biphenyl (PCB) Inventory Report

For tracking purposes, all PCBs or PCB-containing equipment, including those with concentrations of 50 ppm or greater, shall be reported on the annual PCB Inventory Report. Report Control Symbol MC-5090-02 is assigned to this reporting requirement. Installations shall make appropriate updates to the PCB inventory on the EM Portal. The annual PCB Inventory Report should list the PCBs and PCB items in the following manner:

A. Categories

The PCBs and PCB items should be listed according to categories provided in the EM Portal. The categories are based on PCB and PCB item concentrations divided into the following: those containing PCB concentrations between 50 and 499 ppm, and those containing PCB concentrations greater than or equal to 500 ppm or more.

B. Equipment Type

Choose the appropriate type of equipment from the available option on the EM Portal. If the equipment being cataloged does not match an option on the portal, a new type may be manually entered into the system.

C. Item/Equipment Name

The equipment name or manufacturer model name should be included for each inventory item.

D. Identification Number

The identification number of each PCB item should be listed.

E. Location

The physical location at the installation where the PCB item is used or stored should be provided.

F. Polychlorinated Biphenyl (PCB) Concentration

Provide the concentration of PCB present in each item as determined by testing. Test results should be maintained by the installation.

031503. Polychlorinated Biphenyl (PCB) Elimination Plan

In accordance with annual PCB reporting, complete updates of the installation PCB Elimination Plan until all PCBs and PCB items have been removed from the installation. Make appropriate updates to PCB Elimination Plans on the EM Portal. PCB Elimination Plans should include the following:

A. Annual Update

A statement certifying the PCBs and PCB items that have been disposed of since the last annual report should be included. Annual records and document logs required under TSCA reporting and recordkeeping may be attached for supporting documentation.

B. Disposal Plan

The plan for disposal of all PCBs and PCB items should be provided, including the expected date of disposal of all PCBs and PCB items.

031504. Polychlorinated Biphenyl (PCB) -Free Certification

When the installation becomes PCB-free, a formal statement stating change in status shall be submitted to HQMC (LF)/MCICOM (GF-5). Annual confirmation of PCB-free status is required thereafter.

0316 ENVIRONMENTAL COMPLIANCE

See Volume 4 of this Order for information on policy, responsibility, and procedures for achieving compliance with applicable Executive Orders and federal, state, interstate, and regional statutory and regulatory environmental requirements.

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VOLUME 19: CHAPTER 4

"RESPONSIBILITIES"

SUMMARY OF SUBSTANTIVE CHANGES

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CHAPTER 4

RESPONSIBILITIES

0401 CMC (LF)/COMMANDER MCICOM (GF)

CMC (LF)/Commander MCICOM (GF) shall:

040101. Provide information and advice to installation commanders regarding proposed and final rules and regulations pertaining to PCBs, and uniformly apply Marine Corps policy as set forth in this Order.

040102. Assist installations in resolving disputes with federal, state, local, and foreign regulatory agencies as required.

040103. Ensure, through field visits and the Environmental Compliance Evaluation Program, Marine Corps cooperation and compliance with federal, state, and local regulatory agencies with regard to PCB regulations.

040104. Track installation inventories and progress toward meeting the elimination of PCB transformers (50 ppm and above) and capacitors.

0402 COMMANDING GENERAL (CG) MARINE CORPS EAST, WEST, PACIFIC, AND NATIONAL CAPITAL REGION

CG Marine Corps East, West, Pacific, and National Capital Region shall identify and promote opportunities for regional environmental initiatives and contracting support to gain efficiencies. Create environmental program efficiencies by collectively funding studies, coordinating common training programs, developing appropriate Memorandums of Agreement between stakeholders (e.g., Marine Corps TECOM bases, Marine Aircraft Wings, Resident Officer In Charge of Construction offices, etc.) and the Region, and facilitating mutual support between installations as practicable.

0403 COMMANDING GENERAL (CG)/COMMANDING OFFICER (CO) OF MARINE CORPS INSTALLATIONS AND COMMARFORRES

CG/CO of Marine Corps Installations and COMMARFORRES shall:

040301. Identify and submit to the Commandant of the Marine Corps, Facilities and Services Division (CMC (LF))/MCICOM (GF), project documentation and funding requests for PCB management facilities that are required to maintain compliance with applicable existing and emerging regulations and permits.

040302. Program and budget for personnel, equipment, materials, training, and monitoring required to comply with PCB management requirements.

040303. Pay appropriate federal, state, and local fees.

040304. Designate an activity focal point to coordinate installation PCB management programs.

040305. Determine, evaluate, and comply with applicable federal, state, and local laws and regulations governing PCB management.

040306. Submit and sign, as appropriate, PCB reports and other required data to federal, state and local agencies.

040307. Budget and fund the operation and maintenance of facilities and equipment necessary to handle, store, transport, treat, and dispose of Marine Corps PCBs and PCB items in compliance with applicable federal, state, and local requirements.

040308. Transfer to DLA Disposition Services, to the extent possible, accountability and physical custody of PCBs and PCB items stored for disposal.

040309. Complete the annual PCB inventory and forward to CMC (LF)/MCICOM (GF).

040310. Report PCB spills or incidents involving combustion, as prescribed in Volume 7 of this Order, when the spill exceeds the reportable quantities established in applicable state or federal regulations. Immediately report fire-related incidents involving PCB transformers to the NRC at 800-424-8802, regardless of quantity.

040311. Register all PCB transformers and equipment with cognizant fire departments.

040312. Register all PCB transformers with EPA by submitting Form 7720-12.

040313. Prepare and update the installation PCB Elimination Plan and submit to CMC (LF)/MCICOM (GF).

040314. Ensure that coordination occurs, as appropriate, with the safety office in matters relating to PCB management.

VOLUME 19: APPENDIX A

"FEDERAL STATUTES, FEDERAL REGULATIONS, EXECUTIVE ORDERS, AND DOD POLICIES"

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APPENDIX A

FEDERAL STATUTES, FEDERAL REGULATIONS, EXECUTIVE ORDERS, AND DOD POLICIES

1 FEDERAL STATUTES

a. Toxic Substances Control Act (TSCA) of 1976, 15 U.S.C. 2601 et seq.

This Act requires the EPA to regulate and control harmful chemical and toxic substances in commercial use. Congress enacted TSCA to reduce unreasonable risks from chemicals to human health, safety, and the environment. Section 2605 of TSCA provides the EPA with the authority to regulate hazardous chemical substances and mixtures with specific authority for PCB control provided in section 2605(e). Regulations on the manufacturing, processing, distribution in commerce, and use of PCBs are found in 40 CFR 761. Most provisions of the regulations apply only if PCBs are present in concentrations above a specified level as follows:

(1) PCBs at concentrations of less than 50 ppm or contaminated surfaces with PCB concentrations of 10 microgram per 100 centimeters squared ($\mu g/100\ cm^2$) or less;

(2) PCBs at concentrations of 50 ppm or greater but less than 500 ppm or contaminated surfaces with PCB concentrations of greater than 10 $\mu g/100\ cm^2$ but less than 100 $\mu g/100\ cm^2$; and

(3) PCBs at concentrations of 500 ppm or greater or contaminated surfaces with PCB concentrations of 100 $\mu g/100\ cm^2$ or greater. Some states, such as California, regulate PCBs more stringently than the federal program, including the regulation of PCBs at concentrations less than 50 ppm or regulation of PCBs as HW. TSCA regulations prohibit PCB manufacturing, processing, importation, and distribution in commerce. TSCA strictly regulates the marking, storage, and disposal of PCBs. TSCA also prohibits importation or exportation of PCBs of any concentrations, for disposal, without an exemption. Regulations issued under TSCA require PCB owners and generators to keep track of their equipment that contain PCBs through reporting activities, providing generator identification numbers, and manifesting PCB wastes. Although the manufacturing of new equipment using PCBs is prohibited, the regulations allow for the continued use of some PCB-containing equipment already in service through the end of its useful life, unless otherwise prohibited. Useful life is generally interpreted to be until equipment failure.

b. Resource Conservation and Recovery Act (RCRA) of 1976, 42 U.S.C. 6901 et seq.

RCRA was enacted as an amendment to the Solid Waste Disposal Act of 1965 and was amended by the Land Disposal Program Flexibility Act of 1996. Since TSCA includes toxic chemicals, there are several overlaps with the RCRA regulations. However, while TSCA provides the authority to regulate the disposal on a chemical-by-chemical basis, RCRA provides the authority with the disposal of the waste streams rather than the individual chemicals. PCBs are not considered HWs under Subtitle C of RCRA because they are regulated under TSCA. PCB wastes can become HWs if they are mixed with a listed HW or if they exhibit a characteristic of HW, with certain

exemptions. The requirements under RCRA include the prohibition on land disposal of HW containing certain concentrations of PCBs. Additional information on HW management is provided in Volume 9 of this Order.

c. Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA) of 1980, as Amended, 42 U.S.C. 9601 et seq.

This Act was enacted to deal with health and environmental hazards caused by past HW management practices. As amended by the SARA of 1986, the Act gives the federal government authority to respond to chemical emergencies and to clean up uncontrolled or abandoned HW sites. Additionally, the Act requires EPA to promulgate revisions to the National Oil and Hazardous Substances Pollution Contingency Plan (NCP). The NCP establishes the process for determining appropriate removal and remedial action for the Nation's most serious Superfund HW sites. The NCP specifies notification procedures and establishes the national framework for planning and responding to oil discharges and HS releases. Under CERCLA, sites are listed on the National Priorities List (NPL) upon completion of Hazard Ranking System (HRS) screening, public solicitation of comments about the proposed site, and after all public comments have been addressed. The NCP assigns responsibilities for contingency planning and response to various federal agencies, including the DoD, and outlines state and local government and public and private interest group participation in these areas.

d. Water Quality Act of 1965, Public Law 89-234; Water Quality Improvement Act of 1970, Public Law 91-224; Federal Water Pollution Control Act of 1972, as amended, 33 U.S.C. 1251 et seq.; and Clean Water Act (CWA) of 1977, as amended, 33 U.S.C. 1251 et seq.

The CWA establishes the structure for restoring and maintaining the integrity of the Nation's waters and provides framework for all regulations related to the discharge of PCBs and other pollutants into the Nation’s waterways. Section 307 defines a list of priority pollutants (including PCBs) for which EPA must establish ambient water quality criteria and effluent limitations. Volume 20 of this Order provides additional information.

e. Clean Air Act (CAA) of 1970, as amended, 42 U.S.C. 7401 et seq.

Under the CAA, EPA established national emissions standards for HAPs to protect the public and lists PCBs as one of 33 HAPs presenting the greatest threat to public health in urban areas. Therefore, PCB incinerators and other authorized PCB activities must be in compliance with the requirements of the CAA. Volume 6 of this Order provides detail on the CAA.

f. Emergency Planning and Community Right-to-Know Act (EPCRA)of 1986, 42 U.S.C. 11001 et seq.

EPCRA requires that PCB releases are included in the TRI database maintained by EPA to track the amount of PCBs and other chemicals that are emitted to the air and discharged to surface waters on an annual basis. Additional information on EPCRA is provided in Volume 7 of this Order.

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VOLUME 19: APPENDIX B

"PROCEDURE TO IMPLEMENT WAIVER OF REQUIREMENT TO USE DEFENSE LOGISTICS AGENCY (DLA) DISPOSITION SERVICES"

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APPENDIX B

PROCEDURE TO IMPLEMENT WAIVER OF REQUIREMENT TO USE DEFENSE LOGISTICS AGENCY (DLA) DISPOSITION SERVICES

1 PURPOSE

This procedure identifies steps that should be followed at Marine Corps installations that generate and dispose of HW, and that make the decision to not use DLA Disposition Services for HW disposal.

2 APPLICABILITY

This procedure applies to all Marine Corps installations.

3 REQUIREMENTS

In accordance with DoD Directive 4001.01, Incorporating Change 1, "Installation Support," January 10, 2008, installation Commanding Officers (COs) are responsible for meeting their stated mission and have the authority to determine how to best accomplish that mission. In accordance with DoD Instruction 4715.6, "Environmental Compliance," May 4, 2015 and Chapter 10 of DoD Regulation 4160.21-M "Defense Material Disposition Manual," August 18, 1997, DLA Disposition Services is designated as the responsible agency for worldwide disposal of HW.

4 ACTIONS

Marine Corps installations shall use DLA Disposition Services for HW contract disposal services as much as economically and operationally feasible.

a. Cases in which DLA Disposition Services is not used by the installation to dispose of waste are due to special circumstances (e.g., cost effectiveness, type of waste, response time, quantity of waste, and simplified control over the waste stream). In these circumstances, COs are permitted to contract directly for HW disposal services outside of DLA Disposition Services. In accordance with Chapter 10 of DoD Regulation 4160.21-M, DLA Disposition Services "should be first afforded the opportunity to redress any operational difficulties in providing service."

b. The installation CO, or other personnel as directed, shall coordinate with DLA Disposition Services to obtain documentation of why DLA Disposition Services cannot meet installation disposal needs. The installation environmental director shall maintain documentation in accordance with Standard Subject Identification Code 5090.2 of SECNAV M-5210.1, "Department of the Navy Records Management Manual," May 2012. Review documentation prior to contract completion to reassess the decision not to use DLA Disposition Services.

c. The installation CO shall coordinate with the Commandant of the Marine Corps, Facilities and Services Division (CMC (LF))/Marine Corps Installations Command, Facilities

Division (MCICOM (GF)) to ensure that installation contracts and disposal criteria are at least as stringent as the criteria used by DLA Disposition Services.

d. Attachment 2 of Chapter 10 of DoD Regulation 4160.21-M defines HW Disposal Contract Standards as follows:

(1) Provide 100 percent manifest tracking to maintain a "cradle to grave" audit trail of documentation for HW disposal (i.e., from original turn-in to final disposal).

(2) Monitor contractor performance at time of pickup by DoD personnel serving as Contracting Officer's Representative.

(3) Conduct extensive past performance and technical evaluation of prime contractor and subcontractors prior to contract award, and monitor during contract performance.

(4) Conduct onsite post award inspections of selected sub-contractors (e.g. treatment, storage, and/or disposal facility and transporters) to ensure compliance with regulatory requirements.

(5) Evaluate contractor performance and document current and past performance in a database. Ensure contract provisions comply with the Federal Acquisition Regulation and applicable Federal, State, and local safety, environmental, and transportation regulations. Monitor contract costs to ensure competitive pricing as well as high quality contractor service.

(6) Reduce start-up, administrative, and re-procurement costs by preparing and awarding long-term contracts, if in the best interest of DoD.

5 LIABILITY

Chapter 10 of DoD Regulation 4160.21-M indicates that DLA Disposition Services may request information from Marine Corps installations, including a list of facilities using their own HW disposal contracting, that identifies the type of commodities handled and the prices paid. Additionally, overall liability and responsibilities are the same for those installations using DLA Disposition Services or outside HW contracting services.