



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C. 20460

DEC 15 2015

OFFICE OF
SOLID WASTE AND
EMERGENCY RESPONSE

Maureen Geary Krowicki
Counsel to National Fuel
National Fuel Gas Distribution Corporation
P.O. Box 2081
Erie, Pennsylvania 16512

Dear Ms. Krowicki:

By this letter, the Office of Resource Conservation and Recovery (ORCR) of the U.S. Environmental Protection Agency (EPA) grants approval to National Fuel Gas Distribution Corporation (NFGDC) to use the sampling site location criteria as defined in the federal regulations under 40 CFR part 761 subpart M for determining PCB concentrations in natural gas pipelines that have been decontaminated and are destined for removal for reuse pursuant to the unrestricted use provisions of § 761.79(b) subject to the conditions of the enclosed approval. This approval is issued pursuant to Section 6(e)(1) of the Toxic Substances Control Act (TSCA) of 1976 (Public Law 94-469) and the Federal PCB Regulations, 40 CFR 761.79(h). This approval is applicable on a nationwide basis, because NFGDC will use these alternative sampling procedures in more than one EPA Region. The approval is effective upon the EPA's signature and, unless specified otherwise in Condition 9, expires five years from the aforementioned signature date.

40 CFR 761.79(b)(3)(i)(A) requires that characterization of the decontamination of non-porous surfaces for unrestricted use be conducted pursuant to subpart P. However, the EPA finds that NFGDC's proposal to sample natural gas pipe segments destined for removal for reuse under 40 CFR part 761 subpart M is acceptable because, under the circumstances described in this approval, the procedures specified under 40 CFR part 761 subpart M (sampling of natural gas pipelines) are as reliable as the procedures under 40 CFR part 761 subpart P (sampling of non-porous surfaces) for determining whether decontamination standards have been met. 40 CFR part 761 subpart M was designed with knowledge of the shape and use of natural gas pipelines to target the bottom of the pipe where PCBs are most likely to settle. Therefore, sampling pursuant to Subpart M will reliably determine whether the decontamination levels specified in 40 CFR 761.79(b) have been met. Although subpart M was designed for disposal or abandonment of pipelines, the agency finds that the use of subpart M for sampling pipeline to be reused would not present unreasonable risk of injury to health or the environment.

NFGDC has stated they will follow all other applicable self-implementing PCB decontamination requirements pursuant to 40 CFR 761.79(b), which do not require a 761.79(h) approval. A violation of any requirement of this approval or any applicable Federal regulations may subject NFGDC to enforcement action and may be grounds for modification, revocation, or suspension of this approval. Modification, revocation, or suspension of this approval may also result from future EPA rulemaking(s)

with respect to PCBs or from new information gathered by NFGDC and/or the EPA at a demonstration site or during subsequent jobs at other sites.

Please contact Karen Swetland of my staff at (703) 308-8421 if you have any questions regarding this approval.

Sincerely,

A handwritten signature in cursive script that reads "Barnes Johnson". The signature is written in black ink and is positioned above the printed name and title.

Barnes Johnson, Director
Office of Resource Conservation and Recovery

Cc: EPA Regional PCB Coordinators

Enclosure

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

IN THE MATTER OF)	APPROVAL FOR USE OF
)	
NATIONAL FUEL GAS)	ALTERNATIVE SAMPLING SITE
DISTRIBUTION CORPORATION)	
)	SELECTION CRITERIA FOR
P.O BOX 2081)	
)	POLYCHLORINATED BIPHENYLS
ERIE, PA 16512)	
)	(PCBs)

AUTHORITY

This approval is issued pursuant to Section 6(e)(1) of the Toxic Substances Control Act of 1976, Public Law No. 94-469, and the Federal Polychlorinated Biphenyl (PCB) Regulation, 40 CFR 761.79(h). Background information on the sampling procedures in 40 CFR part 761 subpart M and 40 CFR part 761 subpart P are included in the Appendix.

Failure to comply with the Approval conditions specified herein shall constitute a violation of the requirement in 40 CFR 761.79. A violation of the regulations is a prohibited act under Section 15 of TSCA.

EFFECTIVE DATE

This approval is effective upon signature by the Director of the Office of Resource Conservation and Recovery (ORCR) and shall expire five years from the date of signature unless otherwise specified in Condition 9.

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DEFINITIONS AND ACRONYMS

Definitions found in 40 CFR 761.3 apply unless otherwise noted below.

“Application” means all data and materials upon which the EPA based its decision to approve NFGDC’s alternative sampling procedure, e.g., information submitted to the EPA by NFGDC to define, represent, or describe NFGDC’s proposed sampling site selection criteria. These data and materials are encompassed in NFGDC’s “Alternate Sampling Method for Decontaminated Non-Porous Material Application,” dated February 11, 2014.

“Approval” means the content of this document, the conditions within, and the application.

“Calendar year” or “year” means any 365 consecutive days except in the occurrence of a leap year, which contains 366 days. The calendar year does not necessarily begin on January 1st.

“Day” means a calendar day, unless otherwise specified.

“Decontamination” means any removal of PCBs from pipelines.

“Director of ORCR” means the Director of the Office of Resource Conservation and Recovery (ORCR), Office of Solid Waste and Emergency Response (OSWER), U.S. EPA, Washington, DC. Phone Number: 703-308-8895. Mailing address: USEPA Headquarters, 1200 Pennsylvania Avenue, N. W., OSWER/ORCR, Mail Code: 5303P, Washington, DC 20460

“Operations” means the confirmation sampling process of gas pipelines that have undergone PCB decontamination.

“ORCR” means the Office of Resource Conservation and Recovery, which is an office within EPA’s Office of Solid Waste and Emergency Response (OSWER).

“PCB Regulations” are the regulations at 40 CFR part 761.

BACKGROUND

National Fuel Gas Distribution Corporation (NFGDC) is an interstate transporter of natural gas and a subsidiary of National Fuel Gas Company. NFGDC plans to replace some of their natural gas pipelines as a result of discovering pipeline integrity issues. In order for NFGDC to remove pipelines that were once contaminated with PCBs for unrestricted use, the pipelines must be decontaminated according to the process specified in 40 CFR 761.79(b)(3)(i), which requires sampling sites to be selected in accordance with procedures specified at 40 CFR part 761 subpart P. NFGDC does not wish to use 40 CFR part 761 subpart P procedures because the 40 CFR part 761 subpart P sampling site selection methodology is applicable to large, nearly flat non-porous surfaces, or small or irregularly shaped non-porous surfaces rather than long natural gas pipelines. Instead of 40 CFR part 761 subpart P, NFGDC requests to follow procedures specified at 40 CFR part 761 subpart M, which is specifically applicable to sampling site selection of natural gas pipelines that are abandoned or disposed (see Appendix for more information about the two sampling methods). NFGDC requests only an approval to follow alternative sampling site selection criteria to confirm pipeline decontamination; their decontamination process, as described in their application, is regulated under other self-implementing regulations and does not require an approval from the EPA.

The EPA received an application dated February 11, 2014, from NFGDC for a 40 CFR 761.79(h) approval to use alternative sampling site selection criteria for sampling decontaminated natural gas pipelines in accordance with 40 CFR part 761 subpart M rather than the 40 CFR part 761 subpart P. The regulations at 40 CFR 761.79(h) allow the EPA to approve alternative sampling procedures, provided the alternative method will not post an unreasonable risk of injury to health or the environment. Steel natural gas pipelines are non-porous surfaces which, according to 40 CFR 761.79(f), should be sampled in accordance with 40 CFR part 761 subpart P. However, the EPA finds that NFGDC's proposal to sample natural gas pipe segments destined for removal for reuse under 40 CFR part 761 subpart M is acceptable because, under the circumstances described in this approval, the procedures specified under 40 CFR part 761 subpart M (sampling of natural gas pipelines) are as reliable as the procedures under 40 CFR part 761 subpart P (sampling of non-porous surfaces) for determining whether decontamination standards have been met. 40 CFR part 761 subpart M was designed with knowledge of the shape and use of natural gas pipelines to target the bottom of the pipe where PCBs are most likely to settle. Therefore, sampling pursuant to Subpart M will reliably determine whether the decontamination levels specified in 40 CFR 761.79(b) have been met. Although subpart M was designed for disposal or abandonment of pipelines, the agency finds that the use of subpart M for sampling pipeline to be reused would not present unreasonable risk of injury to health or the environment.

CONDITIONS OF APPROVAL

(1) Scope of Approval

In accordance with 40 CFR 761.79(h), this nationwide approval authorizes NFGDC to use the sampling site location criteria for pipe segment removal as defined in the federal regulations under 40 CFR part 761 subpart M for determining PCB concentrations in natural gas pipelines that have been decontaminated and are destined for removal for reuse pursuant to the unrestricted use provisions of § 761.79(b). Thus, for unrestricted use of non-porous surfaces previously in

contact with liquid PCBs at any concentration, where no free-flowing liquids are currently present, PCB concentrations must be ≤ 10 micrograms PCBs per 100 square centimeters ($\leq 10 \mu\text{g}/100 \text{ cm}^2$) as measured by a standard wipe test (§ 761.123) at locations selected in accordance with this approval.

This 761.79(h) approval is solely for the purpose of alternative sampling site selection after decontamination of NFGDC natural gas pipelines. As described in the application, NFGDC shall follow all applicable requirements stipulated in 40 CFR 761.79(b) in the process of decontaminating the aforementioned pipelines.

This approval does not permit NFGDC to modify the sampling site location criteria (40 CFR 761.247) or the sampling methodology (40 CFR 761.243) in any other respect.

(2) Sampling Requirements

This approval permits NFGDC to use alternative sampling site selection criteria to verify that PCBs are sufficiently removed from natural gas pipelines, as specified below:

After decontaminating natural gas pipelines for unrestricted use, pursuant to 40 CFR 761.79(b)(3)(i), NFGDC may use the sample site selection criteria as specified in 40 CFR 761.247 rather than 40 CFR part 761 subpart P.

- a) Because this approval regards sampling site selection criteria of decontaminated natural gas pipelines for unrestricted use, the sampling site selection criteria for abandoned pipelines does not apply. Therefore, NFGDC shall not use the sample site selection criteria for abandoned pipelines as stated under 40 CFR 761.250 under 40 CFR part 761 subpart M.
- b) All other sections of 40 CFR part 761 subpart M apply to the sampling site selection methodology.

(3) Recordkeeping and Reporting Requirements

Throughout the period of sampling conducted under this approval, NFGDC shall maintain a copy of this approval, analytical procedure descriptions, and the results/data used to determine compliance with the decontamination levels specified in 40 CFR 761.79(b) at their corporate office. Personnel training records shall be kept at the sampling site and at the corporate office. Upon expiration of this approval, or if NFGDC terminates business, NFGDC shall electronically submit the analytical procedure descriptions, and the results/data used to determine compliance with the decontamination levels specified in 40 CFR 761.79(b) to the Director of ORCR within 90 days of expiration of the approval or termination of business, whichever comes first.

(4) Notifications and Reports

Required notifications or reports may either be mailed to the Director of ORCR or electronically submitted by email to ORCRpcbs@epa.gov or to an authorized EPA representative listed on the following webpage: <http://www.epa.gov/epawaste/hazard/tsd/pcbs/pubs/contactus.htm>.

(5) Agency Approvals/Permits

No operation may commence until NFGDC has obtained all required approvals/permits from federal, state and local agencies. NFGDC is responsible for obtaining such approvals/permits.

(6) Personnel Training

NFGDC shall ensure that the personnel directly involved with the sampling of decontaminated pipelines covered by this approval are familiar with the requirements of this approval. The training materials shall be kept on site in a location accessible to all personnel during working hours. Personnel should be formally trained every twelve months. At a minimum, NFGDC shall train personnel on the following:

- a) Types of natural gas pipelines NFGDC manages, NFGDC decontamination process (in compliance with 40 CFR 761.79(b)), and sampling site selection procedure as stated in this approval;
- b) The recordkeeping, notification, and reporting requirements, and the location of records and retention times;
- c) The handling and/or PCB waste disposal requirements for process residuals and other materials generated during the decontamination process and decontamination verification sampling process as described in 40 CFR 761.79(g);
- d) The safety, operating, and maintenance procedures, with an emphasis on the safe handling; and
- e) The spill prevention and cleanup plan including the PCB Spill Cleanup Policy in 40 CFR part 761 subpart G.

(7) Ownership Transfer

This approval may not be transferred to a new owner until: (1) a request to modify this approval and transfer ownership is submitted to the Director of ORCR; and (2) the Director of ORCR has approved such ownership transfer request. The date of transfer of this approval shall be the date the Director of ORCR provides written approval of the transfer. The transferee shall not operate pursuant to this approval unless the EPA has amended this approval to reflect the new ownership. The approval may include additional/different approval requirements that may be deemed necessary to apply to the new owner.

(8) Approval Expiration Date

This approval shall become effective upon signature of the Director of ORCR and expire five (5) years from the date the approval becomes effective except as otherwise specified below.

(9) Approval Renewal

If NFGDC intends to continue to operate beyond the expiration date of this approval, NFGDC shall submit a complete approval renewal application request at least 180 days prior to the expiration date of this approval. If NFGDC submits this information to EPA at least 180 days prior to the expiration date of this approval, this approval continues in force (i.e., does not expire) until the EPA either issues an approval renewal, a conditional approval renewal, or an approval request denial. NFGDC will not be allowed to operate under revised operating conditions until the EPA issues NFGDC a fully renewed and revised approval. If NFGDC does not submit a complete approval renewal application request to the EPA at least 180 days prior to the expiration date of this approval, this approval will expire as specified in Condition 8.

A complete approval renewal application is considered to be, at a minimum, information that was submitted in previous requests for approval with appropriate modifications or updates based on proposed revisions to the original approval, which may include, operation changes, and revised operating and testing procedures. It will also include analytical procedure descriptions, and the results/data used to determine compliance with the decontamination levels specified in 40 CFR 761.79(b).

DECISION TO APPROVE NFGDC'S REQUEST TO USE ALTERNATIVE SAMPLING SITE SELECTION CRITERIA

1. Approval under 40 CFR 761.79(h) to use alternative sampling site selection criteria for decontaminated natural gas pipelines destined for removal for reuse to determine residual PCB concentration is hereby granted to National Fuel Gas Distribution Corporation (NFGDC) of Erie, Pennsylvania, subject to the conditions expressed in this approval, and consistent with the information included in the application. Where there are discrepancies between this document and the application, this document must be followed.
2. The EPA finds that NFGDC's proposal to sample natural gas pipe segments destined for removal for reuse under 40 CFR part 761 subpart M is acceptable because, under the circumstances described in this approval, the procedures specified under 40 CFR part 761 subpart M (sampling of natural gas pipelines) are as reliable as the procedures under 40 CFR part 761 subpart P (sampling of non-porous surfaces) for determining whether decontamination standards have been met. 40 CFR part 761 subpart M was designed with knowledge of the shape and use of natural gas pipelines to target the bottom of the pipe where PCBs are most likely to settle. Therefore, sampling pursuant to Subpart M will reliably determine whether the decontamination levels specified in 40 CFR 761.79(b) have been met. Although subpart M was designed for disposal or abandonment of pipelines, the agency finds that the use of subpart M for sampling pipeline to be reused would not present unreasonable risk of injury to health or the environment.
3. The EPA reserves the right to impose additional conditions or revoke the approval when it has reason to believe that the continued operation of NFGDC's alternative sampling site selection process does not adequately identify whether the applicable decontamination levels have been met, may present an unreasonable risk of injury to health or the environment, when new information requires changes, or if the EPA issues new regulations or standards for issuing approvals.
4. Any departure from the conditions of this approval or the terms expressed in the application must receive prior written authorization from the Director of ORCR.
5. Violations of any applicable regulations may be subject to enforcement action and may result in termination of this approval.
6. NFGDC shall be responsible for the actions of its employees and contractors when those actions are within the scope of implementing NFGDC's sampling process/procedures. NFGDC shall assume full responsibility for compliance with this approval and all applicable federal, state and local regulations that apply to NFGDC, including, but not limited to, any spill, pollutant release, incident, or other reporting requirements.
7. The EPA reserves the right for its employees or agents to inspect NFGDC's sampling operations covered by this approval at any location and at any reasonable time.

8. Violation of any requirement of this approval is a violation of 40 CFR 761.79. A violation of the regulations is a prohibited act under Section 15 of TSCA.

Dec 15, 2015
Date

Barnes Johnson
Barnes Johnson
Director
Office of Resource Conservation and Recovery

APPENDIX
Subpart M and Subpart P Sampling Requirements

Subpart M - Pipeline Sampling (§§761.240-761.257)

1. Cut into 40 foot segments, and number from upstream end.
2. Is pipeline section greater than 3 miles long?

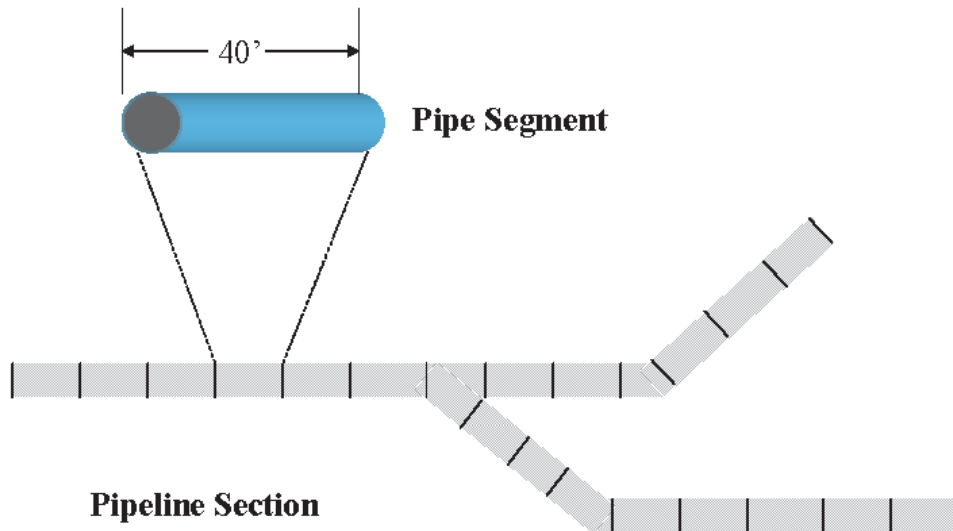
Yes - Sample first segment, and segments every half mile or 66th segment (1, 67, 133, etc.)

No - Take 7 samples: first segment, last segment, and five interim segments
3. Sampling points are on upstream end of segment, inside pipe on bottom

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Codified 63 FR 35462-64

Definition of Pipe Segment and Pipeline Section (§761.240)

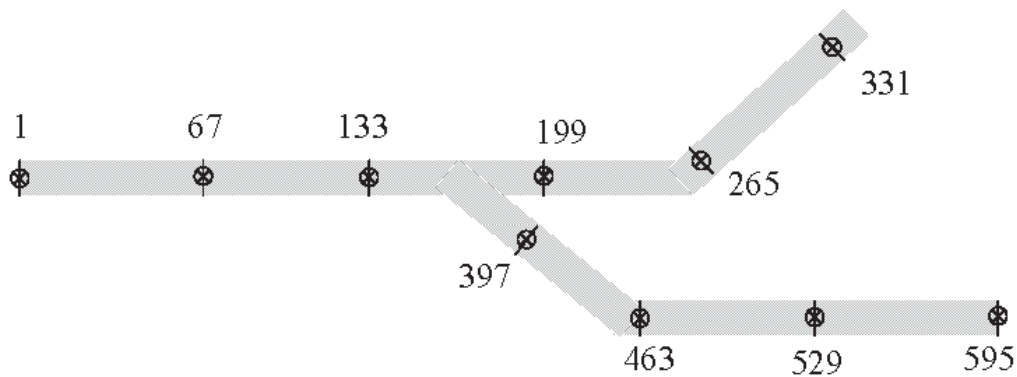


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Codified 63 FR 35462

**Sampling Pipeline Section (longer than 3 miles)
(§761.247)**

Every half mile, or 66th segment



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Codified 63 FR 35463

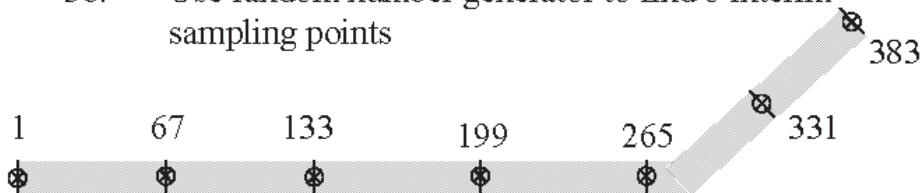
**Sampling Pipeline Section (shorter than 3 miles)
(§761.247)**

1. Number segments (i.e., 1- 383)
2. Sample first and last segments
- 3a. Find Sampling Interval
 = Total number of segments divided by 6
 = $383/6 = 63.8 = 64$

Take 5 interim samples at sampling intervals
(i.e., 65, 133, 199, 265, and 331)

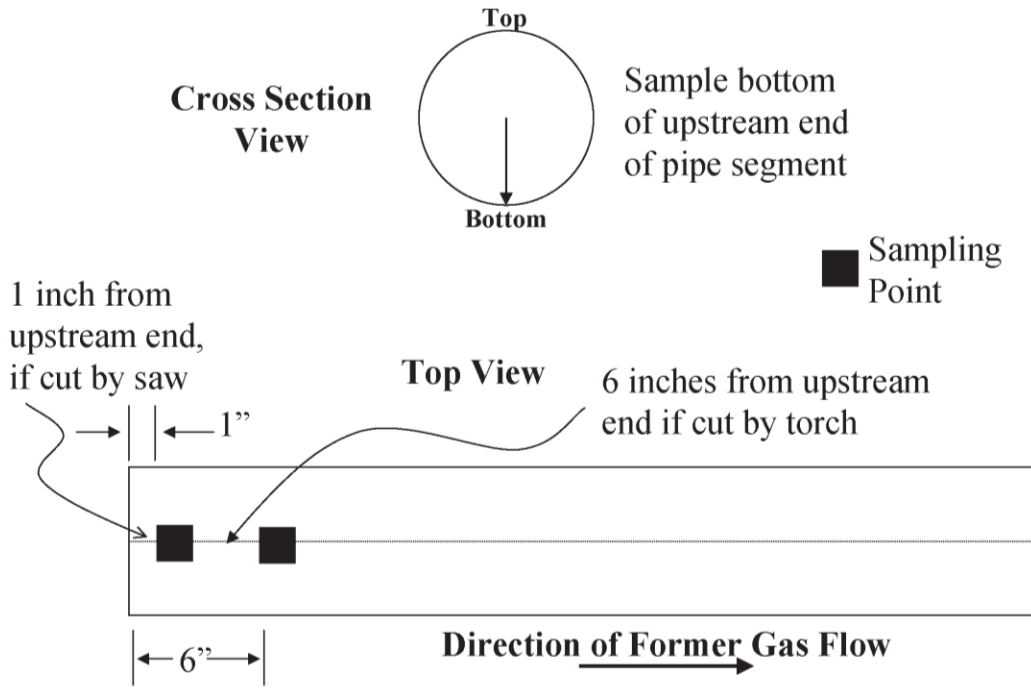
or

- 3b. Use random number generator to find 5 interim sampling points



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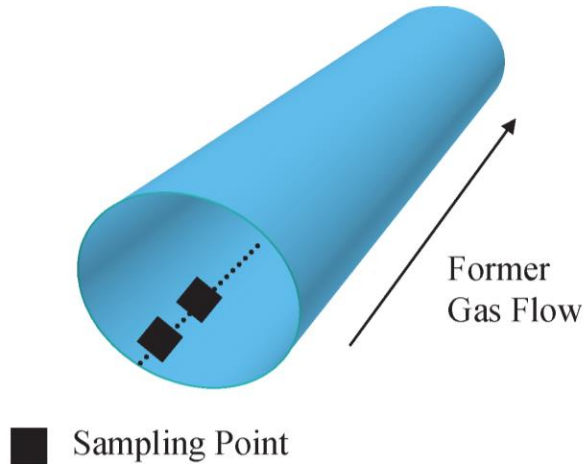
Codified 63 FR 35463



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Codified 63 FR 35463

Three Dimensional View



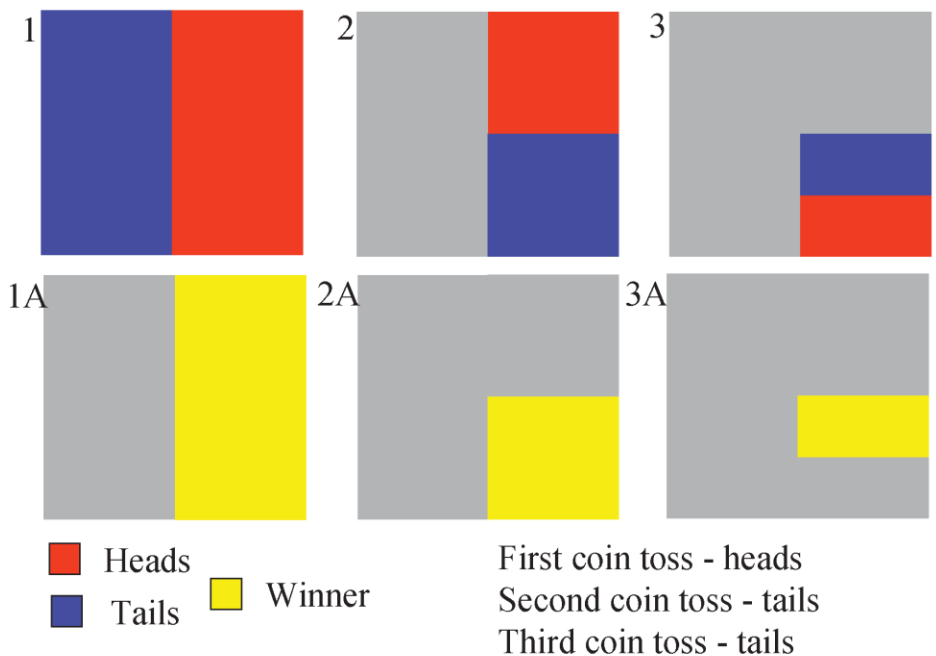
8/5/98 Preamble page 35405

Codified 63 FR 35463

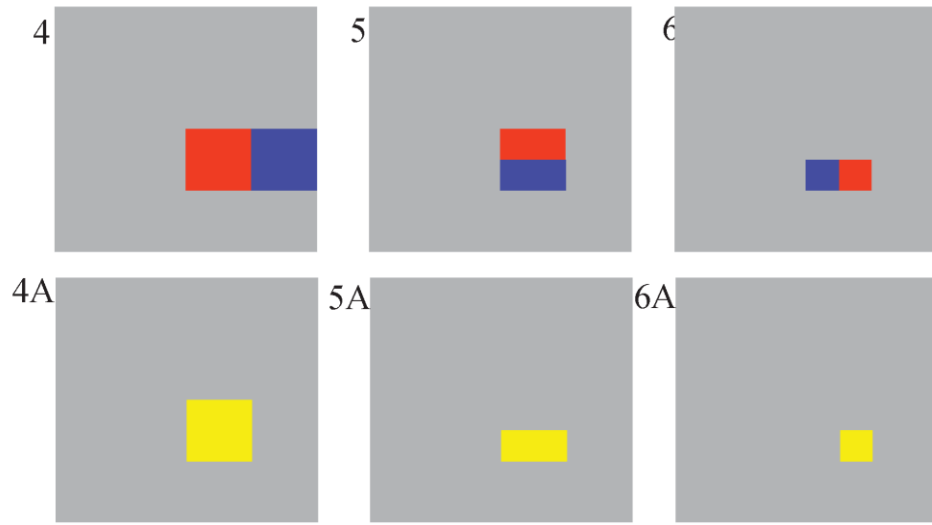
**Subpart P - Sampling Non-Porous Surfaces by Halves
(§761.306)**

1. Divide 1 square meter area in half
2. Assign each half “heads” or “tails”
3. Flip coin
4. Select “winning side” and divide in half
5. Repeat from step 2 until selected half is $>100\text{ cm}^2$
and $<200\text{ cm}^2$

Subpart P - Sampling Non-Porous Surfaces by Halves (§761.306)



Subpart P - Sampling Non-Porous Surfaces by Halves (\$761.306)



■ Heads ■ Winner
■ Tails

Fourth coin toss - heads
Fifth coin toss - tails
Sixth coin toss - heads