

# HEINONLINE

Citation: CFR 1052 1978

Content downloaded/printed from  
HeinOnline (<http://heinonline.org>)  
Mon Sep 12 16:22:19 2011

- Your use of this HeinOnline PDF indicates your acceptance of HeinOnline's Terms and Conditions of the license agreement available at <http://heinonline.org/HOL/License>
- The search text of this PDF is generated from uncorrected OCR text.

**Subpart B—Disposal of PCB's**

§ 761.10 Disposal requirements.

NOTE.—These regulations do not require removal of PCB's from service and disposal earlier than would normally be the case. However, when PCB's are removed from service and disposed of, disposal must be undertaken in accordance with these regulations. Future regulations will be directed to the manufacture, processing, distribution in commerce, and use of PCB's and may result in some cases in disposal at an earlier date than would otherwise occur.

(a) *PCB chemical substances.* (1) Any PCB chemical substance shall be disposed of in an incinerator which complies with Annex I.

(2) When storage is desired prior to disposal, a PCB chemical substance shall be stored in accordance with the requirements of Annex III.

(b) *PCB Mixtures.* (1) Except as provided in paragraphs (b)(2), (3) and (4) of this section, any PCB mixture shall be disposed of in an incinerator which complies with Annex I.

(2) Any non-liquid PCB mixture in the form of contaminated soil, rags, or other debris shall be disposed of

(i) In an incinerator which complies with Annex I, or

(ii) Until January 1, 1980, in a chemical waste landfill which complies with Annex II.

(3) Soil and debris which have been contaminated with PCB's as a result of a spill or as a result of placement of PCB's in a disposal site prior to the publication date of these regulations shall be disposed of

(i) In an incinerator which complies with Annex I, or

(ii) In a chemical waste landfill

(4) All dredge spoils and municipal sewage treatment sludges that are PCB mixtures shall be disposed of

(i) In an incinerator which complies with Annex I, or

(ii) In a chemical waste landfill which complies with Annex II, or

(iii) Upon application, a disposal method to be determined by the Agency's Regional Administrator in the EPA Region in which the PCB mix-

ture is located. Applications for disposal in a manner other than prescribed in paragraph (b)(4) (i) or (ii) of this section must be made in writing to the Regional Administrator. The application must contain information that disposal in an incinerator or chemical waste landfill is not reasonable and appropriate, based on technical, environmental or economic considerations, and information that the alternate disposal method will provide adequate protection to health and the environment. The Regional Administrator may request other information he or she believes to be necessary for evaluation of the alternate disposal method(s). Any approvals by the Regional Administrator shall be in writing and may contain any appropriate limitations on the approved alternate method for disposal. In addition to these regulations, the Regional Administrator shall consider other applicable agency guidelines, criteria, and regulations to ensure that the discharges of dredged material and sludges which can be defined as PCB mixtures are adequately controlled to protect the environment from all contaminants contained therein. The person to whom such approval is issued must comply with all limitations contained in the approval.

(5) When storage is desired prior to disposal, a PCB mixture shall be stored in a facility which complies with Annex III.

(c) *PCB Articles*—(1) *PCB Transformers.* Any PCB transformers shall be disposed of in accordance with either of the following:

(i) In an incinerator which complies with Annex I, or

(ii) In a chemical waste landfill which complies with Annex II: *Provided*, the transformer is first drained of all free flowing liquid, filled with solvent, and allowed to stand for at least 18 hours, and then drained thoroughly. PCB chemical substances and PCB mixtures which are removed shall be disposed of in accordance with paragraphs (a) and (b) of this section.

NOTE: Solvents may include kerosene, xylene, toluene and other solvents in which PCB's are readily soluble. Precautionary measures should be taken, however, that

the solvent flushing procedure is conducted in accordance with applicable safety and health standards as required by Federal or State regulations.

(2) *PCB Capacitors.* (i) The disposal of any capacitor normally used in alternating current circuits shall comply with all requirements of this subpart unless it is known from label information, manufacturer's literature, or chemical analysis that the capacitor does not contain PCB chemical substances or PCB mixtures.

(ii) Any person may dispose of small PCB capacitors as municipal solid waste, unless that person is subject to the requirements of paragraph (c)(2)(iv) of this section.

(iii) Any large high or low voltage PCB capacitor owned by any person shall be disposed of in accordance with either of the following:

(A) Disposal in an incinerator which complies with Annex I; or

(B) Until January 1, 1980, disposal in a chemical waste landfill which complies with Annex II.

(iv) Any small PCB capacitor owned by any person who manufactures or at any time manufactured PCB capacitors or PCB equipment and acquired the PCB capacitors in the course of such manufacturing shall be disposed of in accordance with either of the following:

(A) Disposal in an incinerator which complies with Annex I; or (B) Until January 1, 1980, disposal in a chemical waste landfill which complies with Annex II.

(3) *Other PCB articles.* Any other PCB articles shall be disposed of in an incinerator which complies with Annex I. If there is a question as to the technological feasibility of incinerating any such article, written application requesting disposal in a chemical waste landfill which complies with Annex II may be made to the Agency's Regional Administrator in the EPA Regional Office in which the PCB article is located. Such application must contain information that disposal of such PCB article in such an incinerator would be technologically infeasible. The Regional Administrator may request other information he or she believes to be necessary for evaluation

of the application. The Regional Administrator shall determine whether or not chemical waste landfills may be used on the grounds of technological infeasibility of incineration. Such determination shall be made in writing and signed by the Regional Administrator.

Such determination may contain any limitations for disposal or storage of the PCB article which the Regional Administrator deems reasonable and the person to whom such waiver is issued must comply with all limitations contained in such determination.

(4) *Storage of PCB articles*—except for a PCB article described in paragraph (c)(2) (ii) of this section, any PCB article shall be stored in accordance with Annex III prior to disposal.

(d) *PCB Containers.* (1) Unless decontaminated in accordance with Annex IV, a PCB container shall be disposed of

(i) In an incinerator which complies with Annex I, or

(ii) In a chemical waste landfill which complies with Annex II. *Provided,* That if the PCB chemical substances or mixtures are in liquid state, the PCB container shall first be drained of liquid and the liquid shall be disposed of as a PCB chemical substance or a PCB mixture.

(2) Prior to disposal, a PCB container shall be stored in a facility which complies with Annex III.

(e) *Spills.* (1) Spills and other uncontrolled discharges of PCB chemical substances or PCB mixtures constitute the disposal of PCB chemical substances or PCB mixtures.

(2) PCB chemical substances and PCB mixtures resulting from spill incidents shall be stored and disposed of in accordance with paragraphs (a) and (b), respectively of this section.

In order to determine if a spill of PCBs has produced at any point in a suspected zone of soil, gravel, sludge, fill, rubble, or other land based substances a contamination level that exceeds 500 parts per million of PCBs, the person who spills PCBs should consult with the appropriate EPA Regional Administrator to obtain information on sampling methods and analytical procedures for determining the

## § 761.20

contamination levels associated with the spill.

(3) This subsection does not exempt owners or operators responsible for a spill from any actions or liability under other statutory authorities, including section 311 of the Federal Water Pollution Control Act (Pub. L. 92-500) and the Resource Conservation and Recovery Act (Pub. L. 94-580).

(f) Any person who is required to incinerate any PCB under this subpart and who contends that there is available to him a means of destroying PCB's which is as efficient in destroying PCB's as the incineration procedure provided in Annex I, may submit information to the Regional Administrator to support that contention as well as information that such means will not present an unreasonable risk of injury to health or the environment as a result of its operation. On the basis of such information and any other available information, the Regional Administrator may, in his discretion, find that the alternate disposal method will not present an unreasonable risk of injury to health or the environment and approve the use of the alternate method. Any such approval must be stated in writing and may contain such conditions and provisions as the Regional Administrator deems appropriate and the person to whom such waiver is issued must comply with all limitations contained in such determination.

(g) (1) Each operator of a chemical waste landfill, incinerator, or alternative to incineration approved under paragraph (f) of this section shall give the following written notices to the state and local governments within whose jurisdiction the disposal facility is located:

(i) Notice at least thirty days before a facility first is used for disposal of PCBs required by this regulation, and

(ii) At the request of any state or local government, annual notice during the time the facility is used for disposal of PCBs of the quantities and general description of PCBs disposed of during the year. This notice shall be given no more than thirty days after the end of the year covered.

## Title 40—Protection of Environment

(2) Any person who disposes of PCBs under an exemption from incineration or chemical waste landfilling authorized by paragraph (b)(4)(iii) of this section shall give at least thirty days prior written notice of such disposal to the state and local governments within whose jurisdiction the disposal is to take place.

### Subpart C—Marking of PCB's

#### § 761.20 Marking requirements.

(a) The following marking requirements shall apply:

(1) Each of the following items in existence on or after July 1, 1978 shall be marked as illustrated in Figure 1 in Annex V—§ 761.44(a): The mark illustrated in Figure 1 is referred to as  $M_1$  throughout this subpart.

(i) PCB containers:

(ii) PCB transformers at the time of manufacture, at the time of distribution in commerce if not already labeled, and at the time of removal from use if not already labeled;

(iii) PCB large high voltage capacitors at the time of manufacture, at the time of distribution in commerce if not already labeled, and at the time of removal from use if not already labeled;

(iv) Equipment containing a PCB transformer or a PCB large high voltage capacitor at the time of manufacture, at the time of distribution in commerce if not already labeled, and at the time of removal of the equipment from use if not already labeled.

(v) PCB large low voltage capacitors at the time of removal from use.

(vi) Electric motors using PCB coolants.

(vii) Hydraulic machinery using PCB hydraulic fluid.

(viii) Heat transfer systems (other than transformers) using PCB's.

(ix) PCB article containers containing articles or equipment that must be marked under paragraphs (a) (i) through (viii) of this section.

(x) Each storage area used to store PCB's for disposal.

(2) As of October 1, 1978, each transport vehicle loaded with PCB containers with more than 45 kg. (99.4 lbs.) of PCB chemical substances or PCB mixtures in the liquid phase or with one