

**HTRW Center of Expertise
Environmental Regulatory
Fact Sheet 99-01**

**Overview of 40 CFR 761,
Disposal of Polychlorinated Biphenyls (PCBs);
the Final Rule 60 Federal Register 35383**

Purpose

To provide a general overview of changes potentially impacting the management of PCB activities at Corps of Engineers facilities or remediation projects. Because this regulation is extremely detailed and contains several changes from previous rulemaking, several fact sheets were developed to address significant changes in the rulemaking. This fact sheet provides a brief summary of key changes in 40 CFR 761.

Background

On 6 December 1994, the Environmental Protection Agency (EPA) proposed a number of changes to 40 CFR 761, the PCB regulations. This proposal was referred to as the PCB Mega-Amendment.

On 29 June 1998 (63 FR 35383), EPA issued final rulemaking that formalized numerous changes to the PCB regulations that implement Section 6(e) of the Toxic Substances Control Act (TSCA). Ninety pages of rulemaking, effective 28 August 1998, contain multiple new requirements.

Summary of Requirements

- §761.1 establishes three PCB concentration ranges to which the regulation applies, and procedures for determining the concentration of PCBs on a wet weight (for liquids) or dry weight (for non-liquids) basis.

- §761.2 establishes PCB Concentration Assumptions for Use in lieu of actual analytical data (See Fact Sheet # 99-02).

§761.3 adds several new definitions.

§761.30 establishes a new national registration program for PCB transformers, and discontinues the requirements for registration of transformers with local fire departments. (See Fact Sheet # 99-03) Rectifiers with any concentration of PCBs may

be used for the remainder of their useful lives, as long as PCBs < 50 ppm are used for servicing.

- §761.35 establishes "Storage for Reuse," and limits the amount of time PCB Items/Articles may be stored for reuse (See Fact Sheet # 99-04).

- §761.40 requires the marking of all large low voltage (LLV) capacitors by 26 April 1999. All large PCB capacitors must be marked.

- §761.61 through §761.64 create four new sections that specify disposal requirements for PCB remediation waste, PCB bulk product waste, PCB household waste, and waste generated as a result of research and development activities (See Fact Sheet # 99-05 and 99-06).

- §761.65 allows extensions to storage provisions for PCB wastes awaiting disposal; allows temporary storage of liquid PCBs >50 ppm; exempts mixed PCB/radioactive waste from the 1-year storage limit; and allows flexibility in the type of facilities that can store PCB waste, such as RCRA-permitted or operating under interim status (See Fact Sheet # 99-04).

- §761.77 allows facilities that store or dispose of PCBs to avoid duplicative permitting requirements through the coordinated approval process.

- §761.79 creates new provisions for decontamination procedures to allow reuse of equipment and surfaces.

- §761.80 provides a class exemption to R&D facilities for the manufacture/import of PCBs; quantities increased to 500 grams per year.

- §761.125 reduces the spill-reporting requirement in the PCB spill cleanup policy from 10 lbs. to 1 lb. or more of PCBs.

- §761.180 contains new record keeping requirements pertaining to PCB Articles stored for reuse in areas that do not comply with §761.65(b); all PCB Items in storage must be checked for leaks at least once every 30 days. Records of inspections, maintenance, cleanup and disposal must be maintained; PCB voltage regulators must be reported on the annual report as PCB transformers.

- §761.215 adds a 45-day time frame for which exception reports are to be sent to the EPA Regional Administrator.

- §761.218 allows the generator and disposer to work out a time frame for receipt of the Certificate of Disposal.

Reference

For additional details, see 60 Federal Register 35383, 29 June 1998, Disposal of Polychlorinated Biphenyls.

Five new fact sheets, 99-02, 99-03, 99-04, 99-05, and 99-06 address key changes to this regulation.

Point of Contact

For technical assistance regarding this rule, contact Ms. Claudia Wiethop, Regulatory Specialist, Hazardous, Toxic, and Radioactive Center of Expertise at (402) 697-2561.