HTRW Center of Expertise
Environmental Regulatory
Fact Sheet 99-02

The Assumption Rule
40 CFR 761.2

Purpose

PCB regulatory amendments were published in the Federal Register on 29 June 1998. The rule contains multiple new requirements for managing PCBs. This fact sheet discusses a newly created section of the PCB regulations, 40 CFR 761.2, PCB Concentration Assumptions for Use, and sets forth the PCB concentration assumptions for the use of transformers and other oil-filled electrical equipment.

Summary of Requirements

EPA changed the assumptions that must be made regarding transformers and other oil-filled electrical equipment with unknown concentrations of PCBs. As a result, equipment previously assumed only to be PCB Contaminated ($\geq$ 50 but < 500 ppm PCB, may now require to be assumed to be high concentration PCB ($\geq$ 500 ppm). This new section sets forth the PCB concentration assumptions for the use of transformers and other oil-filled electrical equipment.

The PCB concentration in the actual PCB article or waste product is key when determining applicability of the final rule.

There are two options used to identify what regulatory requirements apply to a material that is still in use that contains PCBs:

- Determine the PCB concentration, and apply the regulations specified for that concentration and type of material, or

- Assume the concentration according to the assumption rule in 40 CFR 761.2.

PCB concentrations may be established by:

- Testing the equipment; or

- A permanent label, mark, or other documentation from the manufacturer of the equipment indicating its PCB concentration at the time of manufacture; and

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• Service records or other documentation indicating the PCB concentration of all fluids used in servicing the equipment since it was first manufactured.

The following list identifies the assumptions that must be used in lieu of actual analytical data:

Assumptions for USE
When Concentration is Unknown
(Not for disposal purposes)

	<50	≥50,<500	≥500
Electrical equipment, manufactured after 2 Jul 79	**x**		
Capacitors marked by manufacturer no PCB	**x**		
Transformers with < 3 lbs. fluid, circuit breakers, reclosers, oil filled cable, and rectifiers	**x**		
Mineral oil electrical equipment manufactured prior to 2 Jul 79		**x**	
Mineral oil electrical equipment, manufactured date unknown		**x**	
Pole and pad mounted distribution transformers manufactured prior to 2 July 79		**x**	
Transformer with > 3 lbs. fluid other than mineral oil, manufactured prior to 2 Jul 79			**x**
Transformer with > 3 lbs. fluid, type of fluid unknown, manufacture date unknown			**x**
Capacitor, date of manufacture unknown			**x**

Note, however, that these assumptions apply ***only*** to the use provisions and not to disposal.

Impacts of the Assumption Rule

EPA does not mandate testing of equipment still in service. If existing information does not establish whether or not the equipment contains PCBs, the assumptions listed above apply. But keep in mind, if you choose to manage your PCB articles or waste products based on the assumptions above, corresponding requirements must be followed, including:

- Quarterly inspection of transformers assumed ≥ 500 ppm PCB.
- Marking of transformers and access areas to transformers assumed to be ≥ 500 ppm PCB.
- Marking of all large capacitors and protected locations of large capacitors (poles, fences, etc.) by 26 April 1999.

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- Registration of all PCB transformers $\geq$ 500 ppm PCB, including those assumed to be $\geq$ 500 ppm PCB.
- Associated record keeping requirements such as inspection records for transformers assumed $\geq$ 500 ppm PCB and annual reporting requirements.

The assumption policies in § 761.2 do not apply when electrical equipment is being disposed of. At that time, the owner or operator of PCB equipment must know its actual PCB concentration and use the proper disposal method.

Reference

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

Point of Contact

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