All U. S. Site Location Managers

Final regulations implementing the Toxic Substances Control Act (TSCA) banning the manufacture, processing, distribution in commerce and use of polychlorinated biphenyls (PCBs) were published in the Federal Registered on May 31, 1979, and become effective on July 2, 1979. This action will prohibit the manufacture, processing and distribution in commerce unless specifically exempted, and "non-totally enclosed" (open to environment) uses of PCBs unless specifically authorized by the EPA. "Totally enclosed" uses (contained and therefore exposure to PCBs is unlikely) will be allowed to continue for the life of the equipment. Transformers, capacitors, and magnets are considered totally enclosed.

The new regulations are not significantly different from previous EPA action. Two exceptions are as follows:

1. All Spill Prevention Control and Countermeasure (SPCC) Plan provisions requiring reporting to the Coast Guard and/or EPA have been dropped. The regulation does not exempt any person from the actions and liability of other statutory authorities including Section 8(e) of TSCA, Section 311 of the Clean Water Act and RCRA. While the SPCC plan reporting provisions have been lifted from all sections of this final rule, a SPCC Plan is required for storage containers for liquid PCBs awaiting disposal.

2. The concentration of PCBs in substances which constitute a PCB mixture has been reduced from 500 ppm to 50 ppm. The new definition is, PCBs subject to these regulations are those substances containing PCBs at a level of 50 ppm or more.

   One exception to this definition is waste oils. Waste oils cannot be used as sealants, coating or dust control agents if they contain any detectable concentrations of PCBs.

   Transformer fluids do not require labeling when the level is known to be below 500 ppm PCBs. Also, analysis is not required unless there is reason to believe a transformer contains PCB dielectric fluid or otherwise has 500 ppm PCB or greater, it may be assumed to have 50 to 500 ppm PCB.

The regulations do specifically address PCBs stored for disposal but not for use. It is highly recommended that all of the requirements for PCBs stored for disposal be followed when dealing with PCBs stored for use.

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The regulations specifically require annual analysis of fluids in heat transfer and hydraulic systems to determine PCB levels.

To facilitate the uniformity in obtaining information to assess the PCB situation and to assist your location in complying with the new regulation, a packet of materials is enclosed. They are:

I. Synopsis of the Regulation
II. An Index to the Regulation
III. An EPA report dealing with questions and answers concerning the regulation.
IV. The Regulation.

Although a synopsis of the regulation is provided, it is strongly recommended that the full regulation be thoroughly read and understood by personnel responsible for its implementation.

Also the EPA Report, "EPA's Final PCB Ban Rules: Over 100 Questions & Answer to Help You Meet These Requirements" is provided for information only. This document is not part of the regulations and does not impose additional rules on our facilities. The answers are merely documented EPA 'opinion' on the regulations.

The forms needed for record keeping were distributed previously and for this reason have been omitted from this packet. Additional labels are available from the previously publicized source.

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