



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

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OFFICE OF
PREVENTION, PESTICIDES AND
TOXIC SUBSTANCES

Mr. Kirk W. Clarich
Hazardous Materials Administrator
Idaho Power Company
P.O. Box 70
Boise, ID 83707

Dear Mr. Clarich:

Thank you for your letter of October 21, 1999. I am glad to hear you are finding the 1999 PCB Questions and Answers Manual useful. My staff is continuing to add to and update the Manual. Last month, Part 3 (covering §761.72 through Subpart T of the regulations) was posted on the PCB web site at www.epa.gov/pcb/. In addition, my staff has been compiling material to supplement Parts 1 and 2. In responding to your questions, we have reformatted them for inclusion in a future version of the Manual.

Q: *My company owns distribution equipment manufactured after 1980 that is labeled by the manufacturer as containing no PCBs or <2 ppm PCBs. We are confident we have not cross-contaminated the equipment during servicing. We also have newly-manufactured equipment that the manufacturer has identified as containing no PCBs. Must we test the units when we dispose of them or clean up a spill from the units, or can we rely on the manufacturer's statement and the servicing history to conclude that the units and the waste generated in cleaning up the spill are not regulated for disposal?*

A: You are responsible for properly disposing of all types of regulated electrical equipment, and for cleaning up and properly disposing of any surfaces or materials contaminated by a spill from the equipment. The PCB rules do not specifically require you to establish the concentration of the equipment prior to disposal, although EPA recommends that you do so. However, if you choose not to do so, you risk improperly disposing of the equipment in violation of the regulations.

To establish the concentration of your equipment for disposal, you may use methods set out in §761.2(b)(2). One of those methods is to test the equipment. The other is to rely on documentation of PCB concentration from the manufacturer of the equipment and servicing records showing PCB concentration of the fluids used to service the equipment since it was manufactured. Keep in mind that you are legally responsible for properly



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disposing of equipment containing PCBs or material contaminated with PCBs as a result of a spill, based on the concentration of the liquid in the equipment or of the spilled material at the time of disposal. Test results (regardless of who conducted the test) or manufacturer certifications that are several years old may not, without complete servicing records, accurately reflect actual, current PCB concentrations.

Q: *How do I apply the assumption rule to electrical equipment such as capacitively coupled voltage transformers, capacitively coupled potential devices, capacitively coupled carrier current devices, and coupling capacitors?*

A: At present, the assumption rules at §761.2 apply to specific types of equipment – transformers, circuit breakers, reclosers, oil-filled cable, rectifiers, mineral oil-filled electrical equipment, and capacitors. If you have equipment that does not fall into any of these categories, there is no assumption applicable to your equipment. The equipment is regulated for use based on its actual PCB concentration. If you have data you believe supports creating an assumption rule for your equipment, you may submit it to EPA for consideration during future rulemakings.

Moreover, the PCB regulations prohibit the use of equipment containing PCBs unless specifically authorized. If your equipment is not covered by a current use authorization at §761.30, its use is a violation of the regulations. Check with your Regional PCB Coordinator if you are not sure whether a particular piece of equipment is authorized for use.

Q: *Why can't I use the Spill Cleanup Policy to clean up any spill that occurred after May 4, 1987, even if the spill is more than 72 hours old?*

A: The Spill Cleanup Policy was never intended to apply to old spills. The Policy states that "old spills which are discovered after the effective date of this policy will require site-by-site evaluation because of the likelihood that the site involve more pervasive PCB contamination than fresh spills and because old spills are generally more difficult to clean up than fresh spills (particularly on porous surfaces such as concrete)." (See §761.120(a)(1)(ii).) Since the promulgation of the Disposal Amendments, EPA is directing persons with spills more than 72 hours old to §761.61, which was specifically designed to address cleanup of old spills.

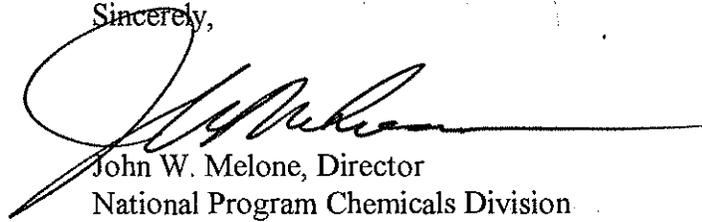
Q: *Are bushings PCB Articles subject to storage for reuse requirements? My company maintains a stock of bushings, some of which contain dielectric fluid in two or three separate reservoirs. Not all the reservoirs are accessible for sampling. May I store these bushings for reuse and dispose of them based on test results of only the accessible reservoirs?*

A: Yes, if the bushings contain PCBs. A "PCB Article" is a manufactured article whose surface has been in contact with PCBs. (See §761.3.) If you do not know whether your bushing contains PCBs in inaccessible reservoirs, EPA recommends that you store the

bushing for reuse in accordance with §761.35 to avoid a violation of the regulations. At the time of disposal, you must either determine the concentration of PCBs in all reservoirs of the bushings or dispose of them as if they contained PCBs ≥ 500 ppm.

I hope this information is useful to you. If you would like to discuss any of these questions further, please contact Tom Simons of my staff at (202) 260-3991.

Sincerely,

A handwritten signature in black ink, appearing to read "John W. Melone", with a long horizontal flourish extending to the right.

John W. Melone, Director
National Program Chemicals Division