

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

NOV 2 1988

Dr. Fred W. Bowditch  
 Vice President, Technical Affairs  
 Motor Vehicle Manufacturers Association  
 7430 Second Avenue  
 Suite 300  
 Detroit, Michigan 48202

Dear Dr. Bowditch:

This is in response to your letter of September 30, 1988 regarding the Environmental Protection Agency's (EPA's) interpretation of the scope of the polychlorinated biphenyl (PCB) large capacitor phaseout requirements. As you know, the PCB regulations at 40 CFR 761.30 prohibit the use of large PCB capacitors after October 1, 1988, unless the large PCB capacitors are located in a restricted access electrical substation or a contained and restricted access indoor installation. I acknowledge that the regulation itself and the preamble to the August 25, 1982 regulation are somewhat ambiguous regarding the definition of a "contained and restricted access indoor installation." Accordingly, there may have been varying interpretations within EPA regarding the scope of this particular "exception" from the October 1, 1988 phaseout requirement. The purpose of this letter is to advise you that further research into the rulemaking record indicates the intended scope of the rule was the phaseout / nonsubstation outdoor PCB capacitors.  
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Preamble language suggests that the term "restricted access" could be viewed as pertaining to the capacitor location within a building and not simply to the building. The preamble states that a contained and restricted access indoor installation "prevents rain from reaching the large PCB capacitors and has controlled access to these PCB capacitors." This is the interpretation provided in Denise Keehner's July 21, 1988 letter to the Pennwalt Corporation. A recent poll of the EPA regional offices indicated that the majority of the regional offices also shared this interpretation. However, additional research into the rulemaking record indicates that EPA intended to only phaseout those PCB capacitors located in outdoor nonsubstation locations. The section of the preamble that addresses the impact of the regulation (47 FR 37348, August 25, 1982) explains that the final rule requires the removal of 1.087 million large PCB

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CONCURRENCES

SYMBOL	TS-798	512	EA-342	LE1328			
SURNAME	<i>Keehner</i>	<i>By</i>	<i>Wood</i>	<i>Keefe</i>			
DATE	10/10/88	10/10/88	10/26/88	10/31/88			

million large PCB capacitors. Although the preamble does not describe in precise terms where these 1.087 million large PCB capacitors are located, a review of the Regulatory Impact Analysis developed for this rule indicates that there would be 1.087 million nonsubstation outdoor PCB capacitors that would be subject to removal if EPA required phaseout by October 1, 1988. Accordingly, the rule requires the phaseout of only those large PCB capacitors located in outdoor nonsubstation locations.

A copy of this letter will be provided to all regional offices and to all persons who have inquired about the scope of the PCB capacitor phaseout requirement. I regret any inconvenience that may have been caused by this misunderstanding.

Sincerely,

original signed by

Charles L. Elkins

Charles L. Elkins

Director

Office of Toxic Substances