

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

AUG 23 1991

Mr. Edward T. Meyer, Esq.
Monroe & Lemann
201 St. Charles Avenue
New Orleans LA 70170-3300

Dear Mr. Meyer:

This letter is in response to your May 31, 1991 request for guidance concerning the export of transformers containing less than 50 ppm PCBs. According to your letter, your clients want to export intact, non-leaking transformers (<50 ppm PCB) for re-use.

These transformers may be classified as an excluded PCB product under 40 CFR §761.3, provided that their level of contamination, less than 50 ppm PCB, is the result of either reclassification (40 CFR 761.30) or simply because the transformers never contained \geq 50 ppm PCB.

PCB-Contaminated Transformers (50-<500 ppm PCBs) can only be converted to non-PCB Transformers (under 50 ppm) by "reclassifying" them in the manner provided in 40 CFR 761.30(a)(2)(5). In order to reclassify the equipment under that section, the transformer's dielectric fluid must contain less than 50 ppm PCB after a minimum of three months of in-service use subsequent to the last servicing conducted for the purpose of reducing the PCB concentration in the transformer. "In-service" means that the transformer is used electrically under loaded conditions that raise the temperature of the dielectric fluid to at least 50 degrees Centigrade. All PCBs removed from transformers for purposes of reducing PCB concentrations are subject to the disposal requirements of 40 CFR 761.60.

If these transformers meet the criteria of an excluded PCB product, then an exemption is not necessary in order to export them for re-use. Your transformers will qualify as excluded products if (1) the PCBs were legally manufactured, processed or used before October 1, 1984, and (2) the resulting PCB concentration (i.e., below 50 ppm) is not a result of dilution, or leaks and spills of PCBs in concentrations over 50 ppm. "Legally" in this case means allowed by EPA regulation, by

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transformers <50 ppm PCB for re-use
from Baney to Monroe & Lemann
FILE: FED/CRB/CHRON READING/SUBJECT: Letter

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CONCURRENCES

SYMBOL	TS-798	LE-132 P	LE 134 P	EN-342	TS-798	TS 798		
SURNAME	Lynne	Yerme	Amberosino	Seuss	Simons	Bauer		
DATE	8/13/91	8/15/91	8/21/91	8/22/91	8/23/91	8/23/91		

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An Export Notice pursuant to the Toxic Substances Control Act (TSCA) §12(b) and 40 CFR §707.60(c) must be submitted to EPA prior to the export of the transformers described in your letter. The notice should be sent to the Document Control Officer, OPTS (TS-793), USEPA, 401 M St. SW, Washington, DC 20460. As an addendum to the export notification, you may provide EPA with a certification (from the transformer's owners) that the PCB concentration of these transformers is not the result of dilution (40 CFR 761.1). A suggested format for the certification is the following: "I certify that the PCB concentration of all of the transformers in this shipment have not been diluted in violation of 40 CFR 761.1. The transformers are below 50 ppm PCB because they have either been reclassified in accordance with 40 CFR 761.30 or they were never \geq 50 ppm PCB."

If you have any further questions, please direct them to Tom Simons at (202) 382-3991.

Sincerely,



Tony Baney, Chief
Chemical Regulation Branch

cc: PCB Coordinators, Regions I-X
Mary Ellen Levine, OGC
Helene Ambrosino, OE
Cary Secrest, OCM