

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

JAN 30 1992

Mr. Dennis F. Stefani  
 Vice President, Regulatory Affairs  
 Burlington Environmental, Inc.  
 2203 Airport Way South, Suite 400  
 Seattle, WA 98134

Dear Mr. Stefani:

This responds to your letter of January 6, 1991 regarding the use of PCB dielectric fluid removed from capacitors and distributing it under the exemption for laboratory analytical standards at 40 CFR 761.80(g).

The use of polychlorinated biphenyls (PCBs) removed from capacitors is not authorized under the PCB rules at 40 CFR 761.30. The use authorization for capacitors under 40 CFR 761.30(1) is very restrictive. The authorization allows the use of PCB large low voltage and PCB high voltage capacitors only in restricted-access electrical substations or in a contained and restricted-access indoor installation. PCB capacitors are only authorized for use in a "totally enclosed manner" (intact and non-leaking) as outlined in 40 CFR 761.20. PCB capacitors can only be distributed in commerce for purposes of repair with an exemption granted under 40 CFR 750 Subpart C.

If the capacitors from which you intend to remove the PCBs were "in use" but removed from use because of a leak or spill, the PCB rules state that spills and other uncontrolled discharges, such as leaks, of PCBs at concentrations of 50 ppm or greater constitute the disposal of PCBs under 40 CFR 761.60(d)(1). The PCB rules further state that PCBs resulting from the clean-up and removal of spills, leaks or other uncontrolled discharges, must be stored and disposed in accordance with the requirements at 40 CFR 761.60(a). PCB capacitors that have been designated "for disposal" cannot be redesignated "for use" and must be disposed of within one year from removal from service. Such capacitors must be disposed of according to the disposal requirements at 40 CFR 761.60(b)(2).

Since any PCBs removed from capacitors under the above examples are not authorized for use, but rather designated for disposal, they could not be used as laboratory analytical standards under 40 CFR 761.80(g). You could apply for a

CONCURRENCES

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 RE: USE OF PCBs REMOVED FROM CAPACITORS AS LABORATORY ANALYTICAL STANDARDS

separate exemption under 40 CFR 750.30, Subpart C -- Interim Procedural Rules for Processing and Distribution in Commerce Exemptions. The basic criteria for an exemption request are described in Subpart C. Any such exemption request must describe why "an unreasonable risk of injury to health or environment would not result from granting the petition" and that "good faith efforts have been made to develop a chemical substance which does not present an unreasonable risk of injury to health or the environment and which may be substituted for" the PCB. For your particular request, a discussion of why the PCBs in the capacitors are so special, such as no other sources available or purity of the PCBs, would also be essential. Please note that granting such a request is a rulemaking activity which typically takes 24 months to propose and finalize once EPA begins work on the exemption.

Therefore, PCBs removed from capacitors as you describe cannot be removed, used, or distributed in commerce as laboratory analytical standards under 40 CFR 761.80(g) because the PCBs in the capacitors are not authorized for such a use.

If you have any questions regarding this response, please contact David Hannemann of my staff at (202) 260-3961.

Sincerely,

Tony Baney, Chief  
Chemical Regulation Branch