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PCB Recordkeeping and Reporting

BACKGROUND: Polychlorinated biphenyls (PCBs) are a class of organic chemicals that had become widely used in industrial applications due to their practical physical and chemical properties. Historical uses of PCBs include dielectric fluids (used in utility transformers, capacitors, etc.), hydraulic fluids, and other applications requiring stable, fire-retardant materials. Due to findings that PCBs may cause adverse health effects and due to their persistence and accumulation in the environment, the Toxic Substances Control Act (TSCA), enacted on October 11, 1976, banned the manufacture of PCBs after 1978 [Section 6(e)]. The first PCB regulations, promulgated at 40 CFR Part 761, were finalized on February 17, 1978. These PCB regulations include requirements specifying disposal methods and marking (labeling) procedures, and controlling PCB use. To assist the Department of Energy (DOE) in its efforts to comply with the TSCA statute and implementing regulations, the Office of Environmental Guidance has prepared the document "Guidance on the Management of Polychlorinated Biphenyls (PCBs)." That document explains the requirements specified in the statute and regulations for managing PCBs including PCB use, storage, transport, and disposal.

All generators, disposers, and storers of PCB waste must comply with the recordkeeping and reporting requirements found at 40 CFR 761.180. The regulations include directions for writing and maintaining annual records and annual document logs and for preparing annual reports, exception reports, manifest discrepancy reports, and unmanifested waste reports. This Information Brief supplements the PCB guidance document by responding to common questions concerning recordkeeping and reporting requirements for PCBs. It is one of a series of Information Briefs pertinent to PCB management issues.

STATUTE: Toxic Substances Control Act of 1976 (TSCA)

REGULATION: 40 CFR Part 761

REFERENCES:

1. "Guidance on the Management of Polychlorinated Biphenyls (PCBs)," Environmental Guidance Manual, DOE Office of Environmental Guidance, RCRA/CERCLA Division (EH-231), DOE/EH-0350, June 1993.
2. "Notification and Manifesting for PCB Waste Activities," Final Rule, Environmental Protection Agency, 54 *FR* 52716, December 21, 1989.
3. "PCB Manifesting, Tracking, and Disposal Requirements," EH-231 TSCA Information Brief, EH-231-001/1190, DOE Office of Environmental Guidance, RCRA/CERCLA Division, November 1990.
4. "PCB Storage Requirements," EH-231 TSCA Information Brief, EH-231-060/1294, Office of Environmental Guidance, RCRA/CERCLA Division, December 1994.

What are the basic recordkeeping and reporting requirements for PCBs?

All generators, disposers, and storers of PCB waste must maintain annual records and an annual document log for materials with a PCB concentration ≥ 50 ppm. In addition, disposers and commercial storers of PCB waste must submit an annual report to the Environmental Protection Agency (EPA).

- ☐ **Annual records** consist of all signed manifests for PCB waste generated, stored, or disposed of at the facility and all Certificates of Disposal generated or received by the facility during a calendar year. Generators, storers, and disposers of PCB waste who have any of the following quantities of PCBs or PCB Items (i.e., manufactured items containing or contaminated with PCBs) on hand at any one time are

required to maintain annual records for that calendar year: ≥ 45 kg of PCBs in PCB containers, one or more PCB transformers containing ≥ 500 ppm PCB, or more than 50 capacitors that contain 3 or more pounds of PCBs.

- ☐ **An annual document log** (i.e., an inventory of PCBs and PCB Items) is required only for facilities that must maintain annual records of PCBs. It contains detailed information on the total amount of waste PCBs and number of PCB Items shipped from or received by a facility during a calendar year based on annual records. Even in cases where a shipping manifest may not be required (e.g., for shipments between DOE facilities [see reference #3 and 40 CFR 761.208(b)]), the facility must keep track of information concerning its PCB waste shipments in sufficient detail so that the annual document log can be prepared. The annual document



log must also contain information on the number of PCB Items in service at the facility at the end of the year and records of all correspondence and telephone contacts between the generator, storer, and disposer of any PCB waste.

- ☐ An **annual report** summarizes the information in the annual document log and annual records for the preceding calendar year. It must be submitted to EPA by disposers and commercial storers of PCB waste by July 15 of the following year.

How long must PCB records be maintained at the facility and where should the records be located?

Facilities required to develop annual records, manifest records, and/or an annual document log for a particular year must maintain those documents for at least 3 years after the facility ceases to use PCBs or ceases its PCB waste-handling activities. It would be prudent for the facility to maintain records longer than 3 years in order to address any possible future enforcement actions. PCB records must be available during normal business hours for inspection by EPA. DOE personnel responsible for the facility must know where the records are located; however, the records do not have to be located on site.

What is an exception report and when is it required?

Exception reports are documents that are required to be sent to EPA when certain steps in the PCB waste disposal cycle are not met. There are two types of exception reports: "exception reports" and "one-year exception reports." An exception report alerts EPA about PCB waste shipments that never reach their intended destination. An exception report must be prepared if the generator of PCB waste does not receive a signed copy of the manifest that accompanied the shipment to a commercial storage or disposal facility within 45 days of the shipment. The generator of the PCB waste must attempt to determine the status of the waste by contacting the transporter and designated disposal facility prior to preparing an exception report, and records must be kept of any correspondence.

A 1-year exception report notifies EPA that PCB waste stored for disposal has exceeded the 1-year time limit (see reference #4). A 1-year exception report must be prepared if any of the following occurs:

- ☐ the generator or commercial storer does not receive a Certificate of Disposal within 13 months of a PCB waste shipment to a commercial storage or disposal facility,
- ☐ the generator or commercial storer receives a Certificate of Disposal indicating that disposal occurred

more than 1 year after the date the PCBs or PCB Items were removed from service,

- ☐ the disposal facility receives a PCB waste shipment more than 9 months after the date the PCBs or PCB Items were removed from service, or
- ☐ the disposal facility is unable to dispose of PCB waste within 1 year of its removal from service by the generator.

It should be noted that there is no EPA regulatory requirement for reporting situations in which the 30-day period allowed for temporary storage of PCBs or PCB Items in areas that do not meet the storage facility requirements of 40 CFR 761.65 (b) has been exceeded. However, if such a situation were to occur, DOE Order 5000.3B, Section 7.b.(4) requires that an off-normal occurrence Notification Report be filed. Furthermore, while not required, it also would be prudent to inform the EPA Regional Office of the exceedance, its causative factors, and how it was rectified.

What is a manifest discrepancy report and how does it differ from an unmanifested waste report?

A manifest discrepancy report is a report written by a disposer or commercial storer to document any discrepancy discovered between the PCB waste information on the manifest and the contents of a PCB waste shipment. If, after 15 days, the discrepancy has not been resolved with the waste generator or transporter, the recipient of the PCB waste must submit to the EPA Regional Administrator a manifest discrepancy report that (1) describes the discrepancy, (2) explains the attempts made to reconcile it, and (3) includes a copy of the manifest or shipping paper at issue. Directions for preparing the manifest discrepancy report are found at 40 CFR Part 761.210(a) and (b).

An unmanifested waste report must be prepared by the owner or operator of a disposal or commercial storage facility within 15 days after receiving any PCB waste shipment without an accompanying manifest. The owner or operator of the facility that received the unmanifested waste must attempt to obtain a manifest from the generator or must return the waste. Directions for completing this report are found at 40 CFR Part 761.211(a) through (c).

Questions of policy or questions requiring policy decisions will not be addressed in EH-231 Information Briefs unless that policy has already been established through appropriate documentation. Please refer any questions concerning the subject material covered in this Information Brief to Carolyn Thompson Walder, RCRA/CERCLA Division, EH-231, (202) 586-8248.



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