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40 CFR Ch. I (7-1-08 Edition)

710 North Capitol St., NW., Washington, DC 20401, telephone: (202) 783-3238.

Totally enclosed manner means any manner that will ensure no exposure of human beings or the environment to any concentration of PCBs.

Transfer facility means any transportation-related facility including loading docks, parking areas, and other similar areas where shipments of PCB waste are held during the normal course of transportation. Transport vehicles are not transfer facilities under this definition, unless they are used for the storage of PCB waste, rather than for actual transport activities. Storage areas for PCB waste at transfer facilities are subject to the storage facility standards of §761.65, but such storage areas are exempt from the approval requirements of §761.65(d) and the record-keeping requirements of §761.180, unless the same PCB waste is stored there for a period of more than 10 consecutive days between destinations.

Transporter of PCB waste means, for the purposes of subpart K of this part, any person engaged in the transportation of regulated PCB waste by air, rail, highway, or water for purposes other than consolidation by a generator.

Transport vehicle means a motor vehicle or rail car used for the transportation of cargo by any mode. Each cargo-carrying body (e.g., trailer, railroad freight car) is a separate transport vehicle.

Treatability Study means a study in which PCB waste is subjected to a treatment process to determine:

- (1) Whether the waste is amenable to the treatment process;
- (2) What pretreatment (if any) is required;
- (3) The optimal process conditions needed to achieve the desired treatment;
- (4) The efficiency of a treatment process for the specific type of waste (i.e., soil, sludge, liquid, etc.); or,
- (5) The characteristics and volumes of residuals from a particular treatment process. A "treatability study" is not a mechanism to commercially treat or dispose of PCB waste. Treatment is a form of disposal under this part.

TSCA means the Toxic Substances Control Act (15 U.S.C. 2601 *et seq.*).

TSCA PCB Coordinated Approval means the process used to recognize other Federal or State waste management documents governing the storage, cleanup, treatment, and disposal of PCB wastes. It is the mechanism under TSCA for accomplishing review, coordination, and approval of PCB waste management activities which are conducted outside of the TSCA PCB approval process, but require approval under the TSCA PCB regulations at 40 CFR part 761.

Unit means a particular building, structure, or cell used to manage PCB waste (including, but not limited to, a building used for PCB waste storage, a landfill, an industrial boiler, or an incinerator).

U.S. GPO means the U.S. Government Printing Office, 710 North Capitol St., NW., Washington, DC 20401.

Waste Oil means used products primarily derived from petroleum, which include, but are not limited to, fuel oils, motor oils, gear oils, cutting oils, transmission fluids, hydraulic fluids, and dielectric fluids.

Wet weight means reporting chemical analysis results by including either the weight, or the volume and density, of all liquids.

(Sec. 6, Pub. L. 94-469, 90 Stat. 2020 (15 U.S.C. 2605)

[49 FR 25239, June 20, 1984, as amended at 49 FR 28189, July 10, 1984; 49 FR 29066, July 18, 1984; 49 FR 44638, Nov. 8, 1984; 50 FR 29199, July 17, 1985; 50 FR 32176, Aug. 9, 1985; 53 FR 24220, June 27, 1988; 53 FR 27327, July 19, 1988; 54 FR 52745, Dec. 21, 1989; 55 FR 26205, June 27, 1990; 58 FR 32061, June 8, 1993; 61 FR 11106, Mar. 18, 1996; 63 FR 35437, June 29, 1998; 64 FR 33759, June 24, 1999]

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(a) [Reserved]

(b) *Incorporation by reference.* The following material is incorporated by reference, and is available for inspection at the National Archives and Records Administration (NARA). For information on the availability of this material at NARA, call 202-741-6030, or go to: http://www.archives.gov/federal_register/code_of_federal_regulations/ibr_locations.html.

These

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incorporations by reference were approved by the Director of the Office of the Federal Register. These materials are incorporated as they exist on the date of approval and a notice of any change in these materials will be published in the FEDERAL REGISTER. Copies of the incorporated material are available for inspection at the EPA Docket Center (EPA/DC), Rm. 3334, EPA West Bldg., 1301 Constitution Ave., NW., Washington, DC 20460-0001. Copies of the incorporated material may be obtained from the American Society for Testing and Materials (ASTM), 100 Barr Harbor Drive, West Conshohocken, PA 19428-2959.

References	CFR Citation
ASTM E 258-67 (Reapproved 1987) Standard Test Method for Total Nitrogen Inorganic Material by Modified KJELDAHL Method.	§ 761.71(b)(2)(vi)

[47 FR 22098, May 21, 1982, as amended at 49 FR 29067, July 18, 1984; 49 FR 36648, Sept. 19, 1984; 53 FR 10391, Mar. 31, 1988; 53 FR 12524, Apr. 15, 1988; 53 FR 21641, June 9, 1988; 57 FR 13323, Apr. 16, 1992; 59 FR 33697, June 30, 1994; 60 FR 34465, July 3, 1995; 63 FR 35439, June 29, 1998; 64 FR 33759, June 24, 1999; 69 FR 18803, Apr. 9, 2004; 72 FR 57239, Oct. 9, 2007]

Subpart B—Manufacturing, Processing, Distribution in Commerce, and Use of PCBs and PCB Items

§ 761.20 Prohibitions and exceptions.

Except as authorized in §761.30, the activities listed in paragraphs (a) and (d) of this section are prohibited pursuant to section 6(e)(2) of TSCA. The requirements set forth in paragraph (c) of this section and subpart F of this part concerning export and import of PCBs and PCB Items for disposal are established pursuant to section 6(e)(1) of TSCA. Subject to any exemptions granted pursuant to section 6(e)(3)(B) of TSCA, the activities listed in paragraphs (b) and (c) of this section are prohibited pursuant to section 6(e)(3)(A) of TSCA. In addition, the Administrator hereby finds, under the authority of section 12(a)(2) of TSCA, that the manufacture, processing, and distribution in commerce of PCBs at concentrations of 50 ppm or greater and PCB Items with PCB concentrations of 50 ppm or greater present an unreasonable risk of injury to health within the United States. This finding is based upon the well-documented human health and environmental hazard of PCB exposure, the high probability of human and environmental exposure to PCBs and PCB Items from manufacturing, processing, or distribution activities; the potential hazard of PCB exposure posed by the transportation of PCBs or PCB Items within the United States; and the evidence that contamination of the environment by PCBs is spread far beyond the areas where they are used. In addition, the

References	CFR Citation
ASTM D 93 – 90 Standard Test Methods for Flash Point by Pensky-Martens Closed Tester.	§ 761.71(b)(2)(vi); § 761.75(b)(8)(iii)
ASTM D 129-64 (Reapproved 1978) Standard Test Method for Sulfur in Petroleum Products (General Bomb Method).	§ 761.71(b)(2)(vi)
ASTM D 240-87 Standard Test Method for Heat of Combustion of Liquid Hydrocarbon Fuel by Bomb Calorimeter.	§ 761.71(b)(2)(vi)
ASTM D 482-87 Standard Test Method for Ash from Petroleum Products.	§ 761.71(b)(2)(vi)
ASTM D 524-88 Standard Test Method for Ramsbottom Carbon Residue of Petroleum Products.	§ 761.71(b)(2)(vi)
ASTM D 808-87 Standard Test Method for Chlorine in New and Used Petroleum Products (Bomb Method).	§ 761.71(b)(2)(vi)
ASTM D 923-86 Standard Test Method for Sampling Electrical Insulating Liquids.	§ 761.60(g)(1)(iii); (g)(2)(ii)
ASTM D 923-89 Standard Methods of Sampling Electrical Insulating Liquids.	§ 761.60(g)(1)(iii); (g)(2)(ii)
ASTM D 1266-87 Standard Test Method for Sulfur in Petroleum Products (Lamp Method).	§ 761.71(b)(2)(vi)
ASTM D 1796-83 (Reapproved 1990) Standard Test Method for Water and Sediment in Fuel Oils by the Centrifuge Method (Laboratory Procedure).	§ 761.71(b)(2)(vi)
ASTM D 2158-89 Standard Test Method for Residues in Liquefied Petroleum (LP) Gases.	§ 761.71(b)(2)(vi)
ASTM D 2709-88 Standard Test Method for Water and Sediment in Distillate Fuels by Centrifuge.	§ 761.71(b)(2)(vi)
ASTM D 2784-89 Standard Test Method for Sulfur in Liquefied Petroleum Gases (Oxy-hydrogen Burner or Lamp).	§ 761.71(b)(2)(vi)
ASTM D 3178-84 Standard Test Methods for Carbon and Hydrogen in the Analysis Sample of Coke and Coal.	§ 761.71(b)(2)(vi)
ASTM D 3278-89 Standard Test Methods for Flash Point of Liquids by Setafash Closed-Cup Apparatus.	§ 761.75(b)(8)(iii)