

# Minnesota Changes in PCB Management

*This fact sheet discusses recent changes to some Minnesota PCB management and disposal requirements. Management and disposal of fluorescent lamp ballasts and small PCB capacitors is not discussed in this fact sheet; see hazardous waste fact sheet #4.48f.*

## What Are “PCBs”?

Polychlorinated biphenyls (PCBs) are a class of 209 man-made chemicals with varying toxicity, often used as an insulator in electrical equipment. PCB products range in consistency from thin, light-colored oils to yellow, viscous resins.

## How Are PCBs Regulated?

The use, storage and disposal of equipment containing PCBs are regulated by both state and federal rules, depending upon the concentration of PCBs present. The U.S. Environmental Protection Agency (EPA), under the Toxic Substances Control Act (TSCA), regulates the use, storage and disposal of PCBs with concentrations of 50 parts per million or more ( $\geq 50$  ppm). The Minnesota Pollution Control Agency (MPCA) regulates the disposal of PCBs with concentrations of  $\geq 50$  ppm when they become wastes under the hazardous waste requirements. Wastes with concentrations of PCBs less than 50 ppm are not regulated by the state or federal government as PCB waste, however, regulations do apply to the burning of used oils.

In 2004, Minnesota passed a law (Minn. Stat. §116.07, subd. 26) that changed the way PCB waste is regulated in the state. The law eliminated regulatory redundancies and provided a financial incentive for companies to voluntarily eliminate in-service electric equipment containing PCBs.

Hazardous Waste #4.48h, January 2005

Under the 2004 law, generators of PCB wastes no longer are subject to certain state rules; however, they are still subject to state hazardous waste requirements for licensing, fees, and proper disposal. **Changes in Minnesota law do not alter the requirements or applicability of federal PCB regulations.**

## What State Requirements Now Apply to PCBs in Minnesota?

As a result of the changes under the 2004 law, only the following state requirements apply to PCB wastes in Minnesota. All federal requirements still apply to PCB wastes.

## Licensing and Fees

Generators of PCB waste must obtain an annual Hazardous Waste License. Licenses are issued by the generator's county in the Minneapolis/St. Paul metropolitan area, and by the MPCA in Greater Minnesota state. Licenses and associated annual fees are based on the quantity of hazardous waste generated at a facility. Generators that dispose of or retrofit oil-filled electrical equipment before the end of its service life are now eligible for a waiver to exempt the PCB hazardous wastes generated as a result of such disposal or retrofitting from counting toward the generator's annual fees. How to obtain a waiver is discussed in the next section.



## Disposal

PCB wastes must be shipped to a facility that is permitted to accept PCB waste.

## How Can I Obtain a Waiver for Early Disposal of PCBs?

Generators disposing of or retrofitting oil-filled electrical equipment before the end of its service life may apply to the MPCA to enter into a PCB Phase-out Agreement. The Phase-out Agreement must be approved by the MPCA before the removal work and the generator must annually document its compliance with the Phase-out Agreement.

## What Must Be Included in a Phase-out Agreement?

A Phase-out Agreement must include the following elements:

- specific goals of the phase-out
- activities to be performed to achieve the specific goals
- phase-out criteria
- schedule for implementation of the phase-out

As an example, an electrical utility may set a goal to eliminate equipment containing PCBs above a certain level from its system or a part of that system. The activities to be performed would include a specific description of the procedures the utility will use to test and replace the equipment. The phase-out criteria might specify a certain level of PCB contamination beyond which the utility will replace all equipment, or might include more complicated criteria assessing spill risk, cost, or other benefits of replacement. The schedule for implementation would specify target dates for completion of various activities, such as testing all of a certain type of equipment by a target date; or might specify a certain progress of activities, such as a certain number of items tested each quarter.

Any changes to the Phase-out Agreement must be approved by the MPCA before the performance by the generator of activities associated with the changes.

## How Is a Phase-out Agreement Maintained?

A generator with an approved Phase-out Agreement with the MPCA must submit an annual summary of its implementation of the Phase-out Agreement to the MPCA by the due date for its annual Hazardous Waste License. The summary must specify the amount of waste generated the previous year under the Phase-out Agreement and the amount of PCB waste generated from other activities that is not eligible for waiver. It must also document the generator's progress on the Phase-out Agreement implementation schedule.

## What PCB Waste is Not Eligible for a Waiver?

Only waste directly associated with the disposal or retrofit of oil-filled electrical equipment, such as transformers and large capacitors, before the end of its service life is eligible for inclusion in a Phase-out Agreement and waiver from annual hazardous waste licensing and fees. Waste generated as a result of spills, cleanup work, or replacement following failure of equipment is not eligible for inclusion. Waste generated from the disposal of equipment other than oil-filled electrical equipment is not eligible for inclusion.

## To Submit a Proposed Phase-out Agreement or for More Information

Proposed Phase-out Agreement applications and requests for further information should be directed to:

PCB Program Coordinator  
MPCA  
520 Lafayette Rd. N.  
Saint Paul, Minnesota 55155-4194  
651-296-6300 or 1-800-657-3864

## Information on Federal PCB Requirements

Remember: the 2004 Minnesota law did not change the application or requirements of the federal PCB requirements. Federal requirements are discussed in fact sheets available on the MPCA Web site <http://www.pca.state.mn.us/waste/pubs/business.html>. Generators may also contact the EPA's TSCA Hotline at 202-554-1404 with questions on federal requirements.