



MANAGEMENT OF PCB WASTES

North Dakota Department of Environmental Quality - Division of Waste Management
918 E. Divide Ave., 3rd Fl., Bismarck, ND 58501-1947

Telephone: 701.328.5166 • Fax: 701.328.5200 • Website: <https://deg.nd.gov>

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The Department encourages managing **unregulated** PCB wastes in a manner that precludes landfill disposal.

MANAGEMENT OF PCB WASTES

Under 40 CFR 761, regulated PCB waste includes leaking PCB capacitors and ballast tar with ≥ 50 ppm concentration of PCB. The Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA) establishes a reportable quantity for PCB as one pound. When landfilled, quantities of ten or more leaking PCB ballasts would be considered one pound of PCB and reportable under CERCLA. "Reporting" places the company or individual generating the waste on a list of Potential Responsible Parties (PRP) in any subsequent Superfund cleanup of the landfill. Failure to report a release is a violation of CERCLA Section 103. To avoid incurring liability from improperly managed PCB waste, the Department and EPA Region VIII recommends disposal in Toxic Substance Control Act (TSCA)-approved incinerators, chemical waste landfills, recycling or other facilities who have EPA approval to process PCBs.

REGULATIONS

Proper disposal is required of all wastes as defined by the Hazardous and Solid Waste Management Rules. North Dakota has been authorized by EPA to administer and enforce the Hazardous and Solid Waste Management Rules, which are virtually identical to the federal Resource Conservation and Recovery Act (RCRA) regulations. PCB is regulated under a subpart of RCRA rules referred to as CERCLA/Superfund, when a reportable quantity of one pound of PCB is landfilled. With this exception, keep in mind PCB is a TSCA waste, not a RCRA hazardous waste. EPA Region VIII, under TSCA regulations of 40 CFR 761 (rules different from RCRA), monitors and enforces transportation, storage, and disposal of regulated PCB waste through a cooperative agreement with North Dakota.

LANDFILLS

Permitted municipal and industrial waste landfills may refuse any waste, including unregulated quantities of PCBs. Acceptance of **unregulated** nonleaking PCB ballasts numbering ten or less (under one pound of PCB) is allowed at a permitted municipal or industrial waste landfill contingent upon their approval.

TRANSPORTATION AND TRANSFER FACILITIES

Permits may not be required when transporting or storing unregulated nonleaking PCB ballasts. Commercial transporters of all PCB-containing wastes, such as ballasts, must obtain a "Waste Transporters Permit" for any quantity of hazardous or TSCA wastes. Commercial transfer facilities will need to receive a "Solid Waste Transfer Station Permit" for any quantity of these wastes. Manifesting is required of PCB-containing waste when managed as a regulated waste or imported into North Dakota for "recycling" or proper disposal. PCB activity notification is an EPA requirement for commercial transportation of leaking small PCB capacitors in lighting ballasts.

The waste transporter permit application processing fee is \$75, and an annual permit fee of \$25 is due by July 31. The solid waste transfer station permit requires no fee, but has a public comment period. The Department may require financial assurance/bonding depending on the hazardous components, quantity handled, type or location of facility, and the availability of a "recycling" or disposal facility.

CONCLUSION: As an alternative to landfilling, managing **unregulated** wastes as regulated PCB may be more protective of human health and the environment.