

# **Scottish Environment Protection Agency**

## **The Environmental Protection (Disposal of Polychlorinated Biphenyls and other Dangerous Substances)(Scotland) Regulations 2000**

### **External Guidance**

#### **Introduction**

These guidance notes are divided into two parts. The first part gives general information concerning Polychlorinated Biphenyls (PCBs), the regulations, who will be affected and what holders are required to do. The second part of these notes give assistance to people completing the application form.

These guidance notes represent SEPA's current understanding of the interpretation of the regulations. They are not an authoritative statement of the law. Holders should satisfy themselves of their legal requirements. If necessary independent legal or technical advice should be sought.

#### **Further Information**

Further information on PCBs, including technical guidance, can be found in Waste Management Paper 6, available from The Stationary Office on 0131 228 4181.

## **Part 1: General Information**

### **What are PCBs?**

Polychlorinated Biphenyls (PCBs) are a family of chlorinated organic chemicals. All PCBs consist of two benzene rings linked by a carbon-carbon bond. Chlorine atoms may be substituted on any or all of the remaining ten available carbon atoms.

### **Background to the Regulations**

In 1990, at the Third International North Sea Conference, the UK and other North Sea states agreed to phase out and destroy identifiable Polychlorinated Biphenyls (PCBs) by the end of 1999. Following this, the Paris Commission, which is responsible for measures to tackle land based sources of pollution of the North East Atlantic, agreed a Decision on PCBs in 1992. This confirmed the end of 1999 as the date for phase-out by North Sea countries and set a target date of 2010 for those non-North Sea countries which were party to the Paris Convention.

In September 1996, the EC Directive 96/59/EC on the disposal of PCBs and Polychlorinated Terphenyls (PCTs) was adopted. This Directive required the preparation of inventories, labelling and disposal / treatment of all significant PCB holdings. The Environmental Protection (Disposal of Polychlorinated Biphenyls and other Dangerous Substances) (Scotland) Regulations 2000 ("The Regulations") is the mechanism for compliance in Scotland.

### **Why the need for these Regulations?**

PCB's have long been recognised as posing a threat to the environment because of their toxicity, persistence and tendency to bioaccumulate (i.e. to build up in the bodies of animals, particularly at the top of the food chain).

Although the use of PCBs has been reduced greatly since the 1970s when legislation first sought to control their use and supply it is recognised that those still remaining in existing equipment pose a continuing environmental threat.

## Who will be affected by the PCB Regulations?

Holders of PCB's or PCB "contaminated equipment" will be affected by the regulations.

Holders of contaminated equipment which is geographically located in Scotland must register their holdings with SEPA. Registration with SEPA is not dependent on the location of the registered office. If contaminated equipment located in England and Wales or Northern Ireland is held then holders are required to register with the appropriate competent authority as well. Contact details are given at the end of this guidance note.

The Regulations apply to the full geographical extent of the Scottish Parliament's jurisdiction. This will include the holding of PCBs on oil and gas installations and ships but only within controlled waters (i.e. generally within 3 miles of the Scottish coast).

## What is Contaminated Equipment?

Contaminated equipment is defined under the Regulations as any equipment (including any transformer, capacitor or receptacle containing residual stocks) which;

- a) contains PCBs, or
- b) having contained PCBs, has not been decontaminated

other than one which contains a total volume of PCBs not exceeding 5 dm<sup>3</sup> (which is equivalent to 5 litres).

The Regulations state that anything of a type which may contain PCBs shall be treated as containing PCBs unless it is reasonable to assume the contrary.

Additionally, the definition of PCB is such that the following substances are covered, but only those containing substances in a total of more than 0.005% by weight (which is equivalent to 50ppm):

Polychlorinated biphenyls (PCB)  
Polychlorinated terphenyls (PCT)  
Monomethyl-dibromo-diphenyl methane  
Monomethyl-dichloro-diphenyl methane  
Monomethyl-tetrachlorodiphenyl methane

The types of equipment which may contain PCB's include;

Transformer	Resistors
Pole-mounted Transformer	Process heating equipment
Power factor capacitor	Vacuum pumps
Heat transfer equipment	Hydraulic equipment

## **The Regulations – What are Holders Required to Do?**

- Register with SEPA any PCB contaminated equipment held in Scotland.
- Label contaminated equipment and the premises where held (if applicable), and label decontaminated transformers.
- Provide information to SEPA for inclusion in inventory.
- Disposal and/or decontamination (for transformers only) of PCBs and equipment (NB - this is not just restricted to 'contaminated equipment') by the due date contained in the regulations.

## **Registration**

The deadline for registration is 31 July 2000. However the wording of the regulations (Regulation 3(3)) is such that if SEPA has not finally determined an application by 31 July 2000 then only holders who applied by 22 May 2000 are treated as being a registered holder until final determination of the application.

Registration application must provide details of;

- i) The name & address of the applicant
- ii) A description of all the equipment and its location
- iii) A description of the PCBs which are or were contained in the equipment (that can be identified without excessive cost)
- iv) The quantity of such of those PCBs as have been identified (that can be identified without excessive cost)
- v) Every date on which treatment or replacement was carried out or is envisaged, specifying in each case the nature of the treatment or replacement
- vi) A registration fee (details of the charging scheme will be issued separately.)

iii) – v) does not have to be supplied if it is reasonable to assume that the fluid content of PCB is between 0.05% and 0.005% by weight.

## ***Exemptions***

Exemption from the need for a holder to register is only available for a person who holds contaminated equipment for the purposes of, or in the course of, any business, manufacturing process or trade concerned with the decontamination or disposal of such equipment.

## **Keeping your registration up to date**

Once you are a registered holder, you must provide up to date information about the substances or equipment you hold annually. For each year in which you still hold contaminated equipment you will need to renew your registration by 31 July and send us the latest details of your holdings.

## **Labelling of Equipment**

Registered holders are required to label their contaminated equipment. The label must contain certain information laid down in the regulations. The premises (if any) where the contaminated equipment is held is also required to be labelled. Decontaminated equipment also needs to be labelled in accordance with the regulations after such decontamination.

## **Disposal and Decontamination**

All PCBs and equipment (NB - this is not just restricted to 'contaminated equipment') must be disposed of or decontaminated (transformers only) by the deadline in the Regulations. This is 31 December 2000.

## ***Exemptions***

Exemptions from the deadline of 31 December 2000 exist for the following holders:

1. A person who holds PCBs or equipment for the purposes of, or in the course of, any business, manufacturing process or trade concerned with the decontamination or disposal of PCBs or equipment.
2. A person who holds PCBs which are manufactured, supplied or used solely for the purposes of analysis or research.
3. Transformers for which it is reasonable to assume that the PCB content is 0.05% (equivalent to 500ppm) by weight or less. In this case transformers can be used until the end of their useful life.
4. Transformers with a fluid content of PCB that have been decontaminated so that they contain less than 0.05% PCB's by weight. In this case transformers can be used until the end of their useful life. This decontamination must take place prior to 31 December 2000.

5. Equipment containing PCBs which is equipment to which none of the other exemptions apply, and which is not contaminated equipment, and which forms part of other equipment which is also not contaminated equipment. Equipment of this description can be held until the other equipment is taken out of use, recycled or disposed of. An example of equipment falling within this description could be PCBs in light fittings.
6. Holders of those pieces of equipment subject to derogation will be given direction of the date by which disposal is required, which will in any case be before the deadline of 1 January 2008.

### ***Derogation***

In certain circumstances a derogation can be issued by SEPA, but only if it confirmed by the Scottish Ministers. Derogation will allow some types of contaminated equipment to remain operational until 1 January 2008 at the latest. Persons wishing to benefit from the derogation need to apply to SEPA in the first instance. Directions concerning derogation need to be issued before 31 December 2000. The work in assessing any derogation application could be considerable, so holders wishing to benefit from the derogation should submit their application well before the end of the year, in order to allow sufficient time for processing of the application.

However, the conditions that a holder must meet in order to benefit from this derogation are stringent. These include the need for the equipment to be replaced as part of a major programme which is in place prior to the date the regulations were made.

### ***Disposal & Decontamination Methods***

The Directive and draft Regulations limit methods of disposal to the following;

Biological Treatment (D8)

Physico-chemical (D9)

Incineration on land (D10)

Permanent storage (D12) (but only in safe, deep, underground storage in dry rock formations and only for equipment containing PCBs which can not be decontaminated)

Temporary storage at the disposal site (D15) (while awaiting one of the above methods)

However, in the UK there are only facilities for incineration of PCBs and equipment, and these are limited to only three sites. Non of these sites are in Scotland.

The three sites are:

Cleanaway Ltd  
Bridges Road  
Ellesmere Port  
South Wirral  
Merseyside  
L65 4EQ

Shanks Chemical Services Ltd  
Pontyvelin Industrial Estate  
Panteg  
Pontypool  
NP4 5DQ

Shanks Chemical Services Ltd  
Charleston Road  
Hardley  
Hythe  
SO45 3NX

### **Information for Inventories**

SEPA is required to compile inventories of contaminated equipment and registered holders on or before 30 September annually, commencing in 2000. A summary of these inventories is required to be reviewed and submitted to the Scottish Ministers each year.

## **Part 2: Completing the Application Form**

### **Registering as a holder of PCBs**

These guidance notes will assist you in completing the application form to register as a holder of PCB's. Please contact SEPA at the address given at the end of these guidance notes if you require an application form.

### **Electronic Submission**

Regulation 6(2)(a) allows submission of certain data in electronic form. SEPA can accept data on any of the common PC based database software packages. For example, Microsoft Access and Excel, Lotus 123.

For any submissions on Microsoft software please make sure the format is compatible with Office 95 software.

The software packages can be submitted on floppy disk or CD ROM.

Please note: For electronically submitted data SEPA still require the name and address details of the applicant to be submitted on paper. Applicants will still need to include signatures for all people named on the form.

### **Fees**

The appropriate application fee must accompany the form. Details of the current fees are given in a separate document.

We cannot deal with your application if you

- forget to send the payment with the application
- send the wrong amount

### **About the application form**

#### **Making an application**

To make it as easy as possible to register, you should

- read through the whole form and the notes before you start filling it in
- make sure that you answer all the questions
- label all the documents you sent us
- enclose the correct fee



## **About the applicant**

Regulation 3 prohibits a person holding contaminated equipment unless he is a registered holder of that equipment. A person can be:

- an individual / sole trader
- a partnership (registered or un-registered)
- a company or other corporate body

Please complete either section 1a, 1b or 1c as applicable.

All persons named on the form must have read and understood parts 3 and 4 of this form, and signed in the appropriate boxes.

## **About the equipment and substances you hold**

We need to know about holdings of contaminated equipment that is geographically located in Scotland.

Please note that the definition of contaminated equipment can include stocks of PCBs held in drums etc., and equipment containing PCBs which you are still using as a fully functional item of equipment. See full definition of contaminated equipment given on page 3 of this guidance note.

The insert sheet (section 2) of the application form is designed to contain information about a single piece of equipment. If you have several pieces of equipment to register (even if they are at the same location) you must fill in the details on separate sheets.

**When you will need several copies of section 2 please make the corresponding number of photocopies of the insert before filling it in.**

### **Question 2.1 *The substance or equipment you hold***

You should only tick one box.

### **Question 2.2, 2.3 and 2.4 *Location of the substance or equipment***

Complete section 2.2 if the item of equipment is held at a location which has a postal address.

In **all cases** please also give the eight figure grid reference for the location of the item of equipment at section 2.3.

If required for clarity on a large or complex site please use the box to describe the exact location of the item of equipment.

Please also indicate by ticking one of the two boxes if this location is where the item of equipment is now, or if it is the intended location.

### **Question 2.5 Concentration of PCBs**

You do not have to give us any more information about equipment where the fluid content of PCBs is between 0.05% and 0.005% by weight. (Equivalent to between 500ppm and 50ppm)

### **Question 2.6 The substances contained in the contaminated equipment**

You should tick one or more boxes.

### **Question 2.7 Total volume of liquid in contaminated equipment**

Please complete one of the boxes in this section to indicate the total volume of liquid contained within the item of contaminated equipment. The first box should be completed if you know the actual amount. The second box should be used if you are having to estimate the quantity.

You can give us an estimate if

- you do not know exactly how many litres are contained in total, **and**
- it would be excessively expensive to calculate the exact holdings

You should give us actual numbers. We cannot accept entries such as 'about' or 'more than'.

### **Question 2.8 The quantities of substances you hold**

Please complete one of the boxes in this section to indicate the total quantity of PCBs within the item of equipment. The first box should be completed if you know the actual amount. The second box should be used if you are having to estimate the quantity.

You can give us an estimate if

- you do not know exactly how many kilogrammes are contained in total, **and**
- it would be excessively expensive to calculate the exact holdings

You should give us actual numbers. We cannot accept entries such as 'about' or 'more than'.

**Estimating quantities - the following is for guidance only. The holder is legally responsible for ensuring the correct information on the form.**

When you estimate the quantities you may use these methods.

- **Transformers or other fluid holdings**

*Calculate the total weight by multiplying*

Total volume of fluid x concentration of PCB x specific gravity of fluid

- **Capacitors and contaminated equipment**

*Calculate the total weight by multiplying*

Total volume of equipment x concentration of PCB x specific gravity of fluid

**To give a best assessment of total holding or quantity of equipment you could:**

- Estimate the total volume of equipment by using its external dimensions
- Estimate the concentration of PCB by referring to data from the manufacturers

### **Question 2.9 *Disposal / Decontamination Plan***

Please indicate what you intend to do with the item of equipment. Please tick only one box.

### **Question 2.10 and 2.11 *Disposal or Treatment Method Planned***

Please complete **either** section 2.10 or 2.11

Section 2.10 should be completed if you intend to dispose of the contaminated equipment. Section 2.11 should be completed if you intend to decontaminate your contaminated equipment.

The permitted disposal options for PCBs and PCB equipment are limited. The options are detailed on page 6 of this guidance note. They are provided for in Annex IIA of Directive 75/442/EEC, as amended. If you are unsure of which option your waste will undergo please contact the waste management company undertaking the work.

Please note: decontamination is only available for transformers.

### **Question 2.12 and 2.13 *Timing of Disposal or Treatment***

Please complete **either** section 2.12 or section 2.13. Section 2.12 should be completed if you know the actual dates that you will be disposing or decontaminating of the contaminated equipment. Section 2.13 should be completed if you are not sure of the exact dates.

Please give actual dates. We cannot accept entries such as 'next year' or 'in six months'.

### **3 Data Protection & Declaration**

Anyone who is named on this form (as an applicant, partner or holder) must sign the form to show that they have read and understood sections 3 and 4 of the application form.

An individual or sole trader should sign once at part 4 of the form.

Partners should each sign below their details in the boxes provided at part 1b of the form, and an official of the partnership should sign and complete the declaration at part 4 .

Directors and Company Secretary should each sign below their details in the boxes provided at part 1c of the form, and an official of the company should sign and complete the declaration at part 4 .

If you wish to withhold any details of your application from the public, please send us details on a separate sheet to say

- which information you want to withhold
- why you want to withhold it

Disclosure of information will be in accordance with these regulations and the Environmental Information Regulations 1992 (SI 1992/3240, amended by SI 1998/1447)

#### **Further Information**

We may prosecute anyone who gives information in their application form which is

- incorrect or incomplete
- false or misleading

#### **What happens next**

Once you have filled in the form, you should send it back to SEPA at the address shown on the application form.

### **Extra Sheets**

If you need to enclose extra sheets, please make sure that you label each sheet clearly with

- the number of the sheet
- the name of the registered holder

You should also tell us how many extra sheets you are using at section 4 of the form.

### **Contact Addresses**

#### ***SEPA***

PCB Registration Unit  
SEPA Head Office  
Erskine Court  
The Castle Business Park  
Stirling  
FK9 4TR

Telephone: 01786 457700  
Fax: 01786 446885

#### ***Environment Agency***

PCB Registration Team  
10 Albert Embankment  
London  
SE1 7SP

Telephone: 020 8305 4046  
Fax: 020 8305 4027

#### ***Northern Ireland Environment & Heritage Service***

Waste Management and  
Contaminated Land  
Calvert House  
23 Castle Place  
Belfast  
BT1 1FY

Telephone: 028 9025 4720  
Fax: 028 9025 4760