

Environmental Protection Agency

§ 750.11

Stage	Timing in relation to other stages	Estimated total time elapsed (days)
Cross-examination ends; informal hearing ends.	113
Reply comments due	2 weeks after end of informal hearing (§ 750.4(b)).	127

Subpart B—Interim Procedural Rules for Manufacturing Exemptions

SOURCE: 43 FR 50905, Nov. 1, 1978, unless otherwise noted.

§ 750.10 Applicability.

Sections 750.10–750.21 apply to all rulemakings under authority of section 6(e)(3)(B) of the Toxic Substances Control Act (TSCA), 15 U.S.C. 2605(e)(3)(B) with respect to petitions filed pursuant to § 750.11(a) of this part.

§ 750.11 Filing of petitions for exemption.

(a) *Who may file.* Any person seeking an exemption from the PCB manufacturing ban imposed by section 6(e)(3)(A) of TSCA may file a petition for exemption. Petitions must be submitted on an individual basis for each manufacturer or individual affected by the 1979 manufacturing ban.

(b) *Where to file.* All petitions must be submitted to the following location: OPPT Document Control Officer (7407), Environmental Protection Agency, 401 M St., SW., Washington, DC 20460.

(c) *Content of petition.* Each petition shall contain the following:

- (1) Name, address and telephone number of petitioner.
- (2) Description of PCB ban exemption requested, including items to be manufactured and nature of manufacturing process—such as smelting.
- (3) Location(s) of manufacturing sites requiring exemption.
- (4) Length of time requested for exemption (maximum length of exemption is 1 year).
- (5) Amount of PCB chemical substance or PCB mixture (by pounds and/or volume) to be manufactured or used during requested exemption period and the manner of release of PCB's into the

environment associated with such manufacture or use.

(6) The basis for the petitioner's contention that under section 6(e)(3)(B)(i) of TSCA "an unreasonable risk of injury to health or environment would not result" from the granting of his petition for exemption.

(7) The basis for the petitioner's contention that he meets the criterion of section 6(e)(3)(B)(ii) of TSCA concerning substitutes for PCB's.

(8) Quantification of the reasonably ascertainable economic consequences of denial of the petition for exemption from the 1979 manufacturing ban and an explanation of the manner of computation.

(d) *Request for further information.* The Agency reserves the right to request further information as to each petition prior to or after publication of the notice of proposed rulemaking required by § 750.13.

(e) *Renewal requests.* (1) Any petitioner who has been granted an exemption under section 6(e)(3)(B) of TSCA, on or after May 25, 1994, and who seeks to renew that exemption without changing its terms, must submit a letter by certified mail to EPA requesting that the exemption be granted for the following year.

(i) This letter must contain a certification by the petitioner that the type of activities, the procedures for handling the PCBs, the amount of PCBs handled, and any other aspect of the exemption have not changed from the original exemption petition request.

(ii) This letter must be received by EPA at least 6 months prior to the expiration of the existing exemption.

(iii) If a petitioner fails to make a submission or the submission is not timely under this section, the exemption will expire 1 year from the effective date of granting that exemption.

(iv) EPA will address a timely submission of a renewal request by rulemaking and either grant or deny the request.

(2) Any petitioner who has been granted an exemption on or after May 25, 1994, and who seeks to increase the amount of PCBs handled or to change the type of activities, the procedures for handling the PCBs, and any other aspect of their existing exemption