

(3) PCBs and PCB Items may be exported for disposal in accordance with the requirements of subpart F of this part. * * * * *

d. In § 761.60 by revising paragraph (h) to read as follows:

§ 761.60 Disposal requirements.

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(h) Requirements for export and import of PCBs and PCB Items for disposal are found in Subpart F of this part.

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e. By adding a new Subpart F to read as follows:

Subpart F—Transboundary Shipments of PCBs for Disposal

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| 761.91 | Applicability. |
| 761.93 | Import for Disposal. |
| 761.97 | Export for Disposal. |

Subpart F—Transboundary Shipments of PCBs for Disposal

§ 761.91 Applicability.

This subpart establishes requirements under section 6 of TSCA applicable to the transboundary shipments of PCBs and PCB Items into and out of the United States for disposal. Nothing in this subpart is intended to obviate or otherwise alter obligations applicable to imported or exported PCBs and PCB Items under foreign laws, international agreements or arrangements, other United States statutes and regulations, other sections of TSCA (e.g., sections 13 and 14), or laws of the various States of the United States. No provision of this section shall be construed to affect or limit the applicability of any requirement applicable to transporters of PCB waste under regulations issued by the U.S. Department of Transportation (DOT) and set forth at 49 CFR parts 171-180.

§ 761.93 Import for disposal.

(a) *General provisions.* (1) No person may import PCBs or PCB Items for disposal without an exemption, except that:

(i) PCBs and PCB Items at concentrations less than 50 ppm may be imported for disposal.

(ii) PCBs and PCB Items at concentrations of 50 ppm or greater may be imported from United States territories or possessions outside the customs territory of the United States into the customs territory of the United States for disposal.

(iii) PCBs and PCB Items at concentrations of 50 ppm or greater, other than those described in paragraph (a)(1)(ii), may be imported for disposal pursuant to paragraph (b) of this section.

(iv) PCBs and PCB Items at concentrations of 50 ppm or greater may be imported for analysis and disposal pursuant to paragraph (c) of this section.

(v) PCBs and PCB Items at concentrations of 50 ppm or greater may be imported for evaluation of disposal technologies for PCB waste pursuant to paragraph (d) of this section.

(2) For purposes of paragraph (a)(1) of this section, PCBs and PCB Items of unknown concentrations shall be treated as if they contain 50 ppm or greater.

(3) All imports of PCBs and PCB Items at any concentration under paragraph (a)(1) of this section must be in compliance with all international agreements or arrangements that the United States has entered into applicable to PCB waste imports. The United States retains the authority to disallow any PCB waste import not in compliance with these agreements or arrangements, or other international obligations of the United States.

(b) *PCBs and PCB Items.* PCBs and PCB Items at concentrations of 50 ppm or greater may be imported for disposal under paragraph (a)(1)(iii) of this section only by a person who is an approved commercial storer or disposer under subpart D of this part, and only if a PCB waste import notice is submitted to EPA pursuant to this paragraph.

(1) *PCB waste import notice.* (i) PCB waste import notices under this paragraph must be submitted to EPA in writing. The complete PCB waste import notice must be received by EPA at the mailing address or delivery address set forth in this paragraph at least 45 days prior to the date on which the initial shipment enters the United States. Each notice shall be clearly marked "PCB Waste Import Notice" and shall be sent by certified mail to: Attn: PCB Waste Import Notice, Office of Enforcement and Compliance Assurance, Office of Compliance (2222A), U.S. Environmental Protection Agency, 401 M St., SW., Washington, DC 20460. Alternately, notices may be delivered by courier to the same office at the Ariel Rios Building, room 5124, 1200 Pennsylvania Ave., NW., Washington, DC 20004.

(ii) Each PCB waste import notice may cover an individual shipment or a series of shipments extending over a period up to 12 months beginning with the date on which the initial shipment enters the United States. A new notice must be received by EPA every 12 months if import for disposal will continue. A new notice must also be received by EPA at any time that import will deviate from the terms described in the prior notice, at least 45 days before the

activity constituting the deviation begins. Such notices should indicate that the notice is a revision, and indicate what information has changed.

(iii) Each PCB waste import notice shall contain the following information:

(A) Company name, name of a contact person, address, telephone number, facsimile (FAX) number, and EPA identification number of the importer of PCB waste.

(B) Company name, name of contact person, address (including country), telephone number, and facsimile (FAX) number of the foreign generator, countries of transit (if any), port of entry in the United States, and method of transportation.

(C) Types of PCBs and PCB Items to be imported (e.g., transformers, capacitors, oil, soil), PCB concentrations of each type of PCB or PCB Items, number and frequency of shipments, maximum shipment size, and maximum total quantity to be imported during the designated import period.

(D) Projected dates of shipments, and period of time intended for import activities addressed by the notice (not to exceed 12 months).

(E) Name, contact name, address, telephone number, facsimile (FAX) number, and EPA Identification Number of each TSCA-approved commercial storage and disposal facility where the PCB waste will be stored and disposed of.

(F) Written certification from each TSCA-approved commercial storage or disposal facility identified in paragraph (b)(1)(iii)(E) of this section, including the importer, indicating that each facility has agreed to accept the shipments of PCBs or PCB Items; has approval to store or dispose of PCB waste under subpart D of this part; has sufficient storage capacity available for imported PCB waste; and until March 18, 1999, will not exceed the 70% capacity limit imposed on imported PCB waste under paragraph (b)(2)(i) of this paragraph.

(G) Written certification from the importer, stating: "I certify that I am a TSCA-approved commercial storer (disposer) of PCB waste, and that I accept complete financial liability for the transportation, storage, and disposal of all PCBs and PCB Items imported into the United States under this notice."

(H) Written certification pursuant to § 761.185(e), signed by the importer identified in paragraph (b)(1)(iii)(A) of this section, indicating that the information in the notice is complete and accurate.

(iv) Some of the information required to be submitted in a PCB waste import notice may also be required to be