

567—102.609(455D) Capacitor removal requirements.

102.609(1) All capacitors must be removed from discarded appliances unless the appliance manufacturer certifies in writing that no PCBs were used in the manufacture of the appliance.

102.609(2) Capacitors that meet one or more of the following criteria may be disposed of or recycled as solid waste. The capacitor:

- a.* Is proven to be free of PCBs by an approved laboratory.
- b.* Is imprinted by the manufacturer with the words “No PCBs” on the body of the capacitor.
- c.* Is certified in writing by the manufacturer of the capacitor not to contain PCBs.
- d.* Does not contain dielectric fluid.

102.609(3) The following rules apply to the storage and disposal of PCB-containing items. PCB-containing items must be stored and transported according to the Toxic Substances Control Act (TSCA) and 40 CFR 761 as amended March 3, 2025, and disposed of at a TSCA-permitted disposal facility. Facilities used for the storage of PCB-containing items designated for disposal must meet the following storage requirements:

- a.* Facilities shall register with the EPA and receive an EPA identification number.
- b.* PCB-containing items must be stored in a manner that provides adequate protection from the elements and adequate secondary containment. This storage must take place on an impervious material above the 100-year floodwater elevation.
- c.* The point of demanufacturing must be located above the 100-year floodwater elevation.
- d.* All capacitors containing or suspected of containing PCBs must be placed in a DOT-approved container that shows no signs of damage. The bottom of the container must be filled to a depth of two inches with absorbent material such as sand, oil-dry, or kitty litter.
- e.* All DOT-approved containers must be affixed with the large PCB mark as described in 40 CFR 761.45 as amended March 3, 2025.
- f.* The date when the first PCB-containing item was placed in the container shall be placed on the container.
- g.* Nonleaking small PCB capacitors may be stored for up to 30 days from the date of removal in an area that does not comply with the requirements in 102.609(4) “*a*” through “*f*” provided a notation is placed on the PCB capacitor indicating the date the item was removed from the appliance.
- h.* PCB-containing items may be stored for no more than 270 days. The storage area must be labeled with the PCB M_L mark. The storage area must be inspected every 30 days, and the inspection must be documented.
- i.* If a demanufacturer stores more than 45 kg (99.4 lbs) at any one time, the demanufacturer must maintain annual written records and the annual document log as required by 40 CFR 761.180 as amended March 3, 2025.

102.609(4) All capacitors not meeting the criteria in 102.609(2) must be disposed of as follows:

- a.* Appliance demanufacturers may dispose of PCB capacitors by one of two means. If the facility is a VSQG, the demanufacturer may send the properly marked and dated container of capacitors to a regional collection center (RCC) licensed under 567—Chapter 103 for disposal. If the facility is not a VSQG, the capacitors must be manifested and shipped for disposal in accordance with 40 CFR 761.65 as amended March 3, 2025.
- b.* Disposal through an RCC. Shipments from a VSQG to an RCC shall be considered equivalent to disposal as municipal solid waste for the purposes of 40 CFR 761.60(b)(2)(iii) as amended March 3, 2025; capacitors may not be disposed of in a landfill. An RCC may accept PCB capacitors without having to provide a certificate of disposal. The RCC shall provide the appliance demanufacturer with a receipt specifying the name of the RCC, the appliance demanufacturer from which the capacitors were received, the weight or number of capacitors, and the date the capacitors were received. Copies of this document must be retained for three years at both locations. The date that capacitors are received shall be considered the date the capacitors are determined to be PCB-containing waste for the purposes of 40 CFR 761.65(a)(1) as amended March 3, 2025. Capacitors may be consolidated in DOT-approved shipping containers for transport for disposal.

c. Disposal through EPA-approved facility for the disposal of PCB waste. The labeled and dated DOT-approved container must be transported by a transporter with a valid EPA identification number, using an EPA Uniform Hazardous Waste Manifest Form. All containers must be sealed prior to shipment. The demanufacturer has one year from the date the first PCB-containing item is placed in the container to properly dispose of the contents by incineration, recycling, or another approved method pursuant to 40 CFR 761.60(b) as amended March 3, 2025, or 761.60(c) as amended March 3, 2025. Disposal must be documented and the record kept by the demanufacturer for three years from the date the PCB-containing waste was accepted by the initial transporter.

d. PCB-containing items shall be properly disposed of within one year of removal from the appliance. The generator shall obtain a certificate of disposal within 30 days of the date that disposal of the PCB-containing items was completed at a PCB disposal facility. If a certificate of disposal is not obtained within 30 days, the EPA regional administrator must be notified pursuant to 40 CFR 761.218(d) as amended March 3, 2025.

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