of this section, a sample collector shipping samples to a laboratory and a laboratory returning samples to a sample collector must:

(i) Comply with applicable U.S. Department of Transportation (DOT) or U.S. Postal Service (USPS) shipping requirements, found respectively in 49 CFR 173.445 and U.S. Postal Regulations 652.2 and 652.3.

(ii) Assure that the following information accompanies the sample:
(A) The sample collector’s name, mailing address, and telephone number.
(B) The laboratory’s name, mailing address, and telephone number.
(C) The quantity of the sample.
(D) The date of shipment.
(E) A description of the sample.

(iii) Package the sample so that it does not leak, spill, or vaporize from its packaging.

(4) When the concentration of the PCB sample has been determined, and its use is terminated, the sample must be properly disposed. A laboratory must either manifest the PCB waste to a disposer or commercial storer, as required under §761.208, retain a copy of each manifest, as required under §761.209, and follow up on exception reporting, as required under §761.215 (a) and (b), or return the sample to the sample collector who must then properly dispose of the sample. If the laboratory returns the sample to the sample collector, the laboratory must comply with the shipping requirements set forth in paragraph (i)(3)(i) through (i)(3)(iii) of this section.

(j) Changes in ownership or operational control of a commercial storage facility. The date of transfer of interim status or final approval shall be the date the EPA Regional Administrator (or appropriate official at EPA Headquarters) provides written approval of the transfer. EPA will provide a final written decision within 90 days of receipt of the complete new or amended application. The Agency will approve the transfer if the following conditions are met:

(1) The transferee has established financial assurance for closure pursuant to paragraph (g) of this section using a mechanism effective as of the date of final approval so that there will be no lapse in financial assurance for the transferred facility.

(2) The transferor or transferee has resolved any deficiencies (e.g., technical operations, closure plans, cost estimates, etc.) the Agency has identified in the transferor’s application.

(k) States and the Federal Government. States and the Federal Government are exempt from the requirements of paragraphs (f) and (g) of this section.

§ 761.70 Incineration.

This section applies to facilities used to incinerate PCBs required to be incinerated by this part.

(a) Liquid PCBs. An incinerator used for incinerating PCBs shall be approved by EPA pursuant to paragraph (d) of this section. Requests for approval of incinerators to be used in more than one region must be submitted to the Director, Office of Resource Conservation and Recovery, except for research and development involving less than 500 pounds of PCB material (see §761.60(i)(2)). Requests for approval of incinerators to be used in only one region must be submitted to the appropriate Regional Administrator. The incinerator shall meet all of the requirements specified in paragraphs (a)(1) through (a)(9) of this section, unless a waiver from these requirements is obtained pursuant to paragraph (d)(5) of this section. In addition, the incinerator shall meet any other requirements which may be prescribed pursuant to paragraph (d)(4) of this section.

(1) Combustion criteria shall be either of the following:

(i) Maintenance of the introduced liquids for a 2-second dwell time at 1200 °C (±100 °C) and 3 percent excess oxygen in the stack gas; or

(ii) Maintenance of the introduced liquids for a 1 1/2 second dwell time at
1600 °C(±100 °C) and 2 percent excess oxygen in the stack gas.

(2) Combustion efficiency shall be at least 99.9 percent computed as follows:

\[
\text{Combustion efficiency} = \left\{ \frac{C_{\text{CO}_2}}{C_{\text{CO}_2} + C_{\text{CO}}} \right\} \times 100
\]

where

\( C_{\text{CO}_2} = \text{Concentration of carbon dioxide.} \)

\( C_{\text{CO}} = \text{Concentration of carbon monoxide.} \)

(3) The rate and quantity of PCBs which are fed to the combustion system shall be measured and recorded at regular intervals of no longer than 15 minutes.

(4) The temperatures of the incineration process shall be continuously measured and recorded. The combustion temperature of the incineration process shall be based on either direct (pyrometer) or indirect (wall thermocouple-pyrometer correlation) temperature readings.

(5) The flow of PCBs to the incinerator shall stop automatically whenever the combustion temperature drops below the temperatures specified in paragraph (a)(1) of this section.

(6) Monitoring of stack emission products shall be conducted:

(i) When an incinerator is first used for the disposal of PCBs under the provisions of this regulation;

(ii) When an incinerator is first used for the disposal of PCBs after the incinerator has been modified in a manner which may affect the characteristics of the stack emission products; and

(iii) At a minimum such monitoring shall be conducted for the following parameters:

(a) \( \text{O}_2 \); (b) \( \text{CO} \); (c) \( \text{CO}_2 \); (d) Oxides of Nitrogen (\( \text{NO}_x \)); (e) Hydrochloric Acid (HCl); (f) Total Chlorinated Organic Content (RCl); (g) PCBs; and (h) Total Particulate Matter.

(7) At a minimum monitoring and recording of combustion products and incineration operations shall be conducted for the following parameters whenever the incinerator is incinerating PCBs:

(i) \( \text{O}_2 \); (ii) \( \text{CO} \); and (iii) \( \text{CO}_2 \). The monitoring for \( \text{O}_2 \) and \( \text{CO} \) shall be continuous. The monitoring for \( \text{CO}_2 \) shall be periodic, at a frequency specified by the Regional Administrator or appropriate official at EPA Headquarters.

(8) The flow of PCBs to the incinerator shall stop automatically when any one or more of the following conditions occur, unless a contingency plan is submitted by the incinerator owner or operator and approved by the Regional Administrator or appropriate official at EPA Headquarters. The contingency plan indicates what alternative measures the incinerator owner or operator would take if any of the following conditions occur:

(i) Failure of monitoring operations specified in paragraph (a)(7) of this section;

(ii) Failure of the PCB rate and quantity measuring and recording equipment specified in paragraph (a)(3) of this section; or

(iii) Excess oxygen falls below the percentage specified in paragraph (a)(1) of this section.

(9) Water scrubbers shall be used for HCl control during PCB incineration and shall meet any performance requirements specified by EPA. Scrubber effluent shall be monitored and shall comply with applicable effluent or pretreatment standards, and any other State and Federal laws and regulations. An alternate method of HCl control may be used if the alternate method has been approved by EPA. (The HCl neutralizing capability of cement kilns is considered to be an alternate method.)

(b) Nonliquid PCBs. An incinerator used for incinerating nonliquid PCBs, PCB Articles, PCB Equipment, or PCB Containers shall be approved by EPA pursuant to paragraph (d) of this section. Requests for approval of incinerators to be used in more than one region must be submitted to the Director, Office of Resource Conservation and Recovery except for research and development involving less than 500 pounds of PCB material (see §761.60(i)(2)). Requests for approval of incinerators to be used in only one region must be submitted to the appropriate Regional Administrator. The incinerator shall meet all of the requirements specified in paragraphs (b)(1) and (2) of this section unless a waiver from these requirements is obtained pursuant to paragraph (d)(5) of this section. In addition, the incinerator shall meet any other requirements that may
be prescribed pursuant to paragraph (d)(4) of this section.

(1) The mass air emissions from the incinerator shall be no greater than 0.001g PCB/kg of the PCB introduced into the incinerator.

(2) The Incinerator shall comply with the provisions of paragraphs (a)(2), (3), (4), (6), (7), (8)(i) and (ii), and (9) of this section.

(c) Maintenance of data and records. All data and records required by this section shall be maintained in accordance with §761.180, Records and monitoring.

(d) Approval of incinerators. Prior to the incineration of PCBs and PCB Items the owner or operator of an incinerator shall receive the written approval of the Agency Regional Administrator for the region in which the incinerator is located, or the appropriate official at EPA Headquarters. Approval from the appropriate official at EPA Headquarters may be effective in all ten EPA regions. Such approval shall be obtained in the following manner:

(1) Application. The owner or operator shall submit to the Regional Administrator or the Director, Office of Resource Conservation and Recovery an application which contains:
   (i) The location of the incinerator;
   (ii) A detailed description of the incinerator including general site plans and design drawings of the incinerator;
   (iii) Engineering reports or other information on the anticipated performance of the incinerator;
   (iv) Sampling and monitoring equipment and facilities available;
   (v) Waste volumes expected to be incinerated;
   (vi) Any local, State, or Federal permits or approvals; and
   (vii) Schedules and plans for complying with the approval requirements of this regulation.

(2) Trial burn. (i) Following receipt of the application described in paragraph (d)(1) of this section, EPA shall determine if a trial burn is required and notify the person who submitted the report whether a trial burn of PCBs and PCB Items must be conducted. EPA may require the submission of any other information that EPA finds to be reasonably necessary to determine the need for a trial burn. Such other information shall be restricted to the types of information required in paragraphs (d)(1)(i) through (vii) of this section.
   (ii) If EPA determines that a trial burn must be held, the person who submitted the report described in paragraph (d)(1) of this section shall submit to the Regional Administrator or the Director, Office of Resource Conservation and Recovery a detailed plan for conducting and monitoring the trial burn. At a minimum, the plan must include:
      (A) Date trial burn is to be conducted;
      (B) Quantity and type of PCBs and PCB Items to be incinerated;
      (C) Parameters to be monitored and location of sampling points;
      (D) Sampling frequency and methods and schedules for sample analyses; and
      (E) Name, address, and qualifications of persons who will review analytical results and other pertinent data, and who will perform a technical evaluation of the effectiveness of the trial burn.
   (iii) Following receipt of the plan described in paragraph (d)(2)(i) of this section, EPA will approve the plan, require additions or modifications to the plan, or disapprove the plan. If the plan is disapproved, EPA will notify the person who submitted the plan of such disapproval, together with the reasons why it is disapproved. That person may thereafter submit a new plan in accordance with paragraph (d)(2)(ii) of this section. If the plan is approved (with any additions or modifications which EPA may prescribe), EPA will notify the person who submitted the plan of the approval. Thereafter, the trial burn shall take place at a date and time to be agreed upon between EPA and the person who submitted the plan.

(3) Other information. In addition to the information contained in the report and plan described in paragraphs (d)(1) and (2) of this section, EPA may require the owner or operator to submit any other information that the EPA finds to be reasonably necessary to determine whether an incinerator shall be approved.

NOTE: The Regional Administrator will have available for review and inspection an Agency manual containing information on sampling methods and analytical procedures
for the parameters required in §761.70(a)(3),
(4), (6), and (7) plus any other parameters he/
she may determine to be appropriate. Owners
or operators are encouraged to review this
manual prior to submitting any report re-
quired in §761.70.
(4) Contents of approval. (i) Except as
provided in paragraph (d)(5) of this sec-
tion, the Regional Administrator or
the appropriate official at EPA Head-
quarters may not approve an inciner-
ator for the disposal of PCBs and PCB
Items unless he finds that the inciner-
ator meets all of the requirements of
paragraphs (a) and/or (b) of this sec-
tion.
(ii) In addition to the requirements of
paragraphs (a) and/or (b) of this sec-
tion, EPA may include in an approval
any other requirements that EPA finds
are necessary to ensure that operation
of the incinerator does not present an
unreasonable risk of injury to health or
the environment from PCBs. Such
requirements may include a fixed pe-
riod of time for which the approval is
valid.
(5) Waivers. An owner or operator of
the incinerator may submit evidence to
the Regional Administrator or the Di-
rector, Office of Resource Conservation
and Recovery that operation of the in-
cinerator will not present an unreason-
able risk of injury to health or the en-
vironment from PCBs, when one or
more of the requirements of paragraphs
(a) and/or (b) of this section are not
met. On the basis of such evidence and
any other available information, EPA
may, in its discretion, find that any re-
quirement of paragraphs (a) and (b) of
this section is not necessary to protect
against such a risk, and may waive the
requirements in any approval for that
incinerator. Any finding and waiver
under this paragraph must be stated in
writing and included as part of the ap-
proval.
(6) Persons approved. An approval will
designate the persons who own and who
are authorized to operate the inciner-
ator, and will apply only to such per-
sons, except as provided in paragraph
(d)(8) of this section.
(7) Final approval. Approval of an in-
cinerator will be in writing and signed
by the appropriate EPA official. The
approval will state all requirements
applicable to the approved incinerator.
(8) Transfer of property. Any person
who owns or operates an approved in-
cinerator must notify EPA at least 30
days before transferring ownership in
the incinerator or the property it
stands upon, or transferring the right
to operate the incinerator. The trans-
feror must also submit to EPA, at least
30 days before such transfer, a nota-
rized affidavit signed by the transforee
which states that the transforee will
abide by the transferor’s EPA inciner-
ator approval. Within 30 days of receiv-
ing such notification and affidavit,
EPA will issue an amended approval
substituting the transforee’s name for
the transferor’s name, or EPA may re-
quire the transforee to apply for a new
incinerator approval. In the latter
cause, the transforee must abide by the
transferor’s EPA approval until EPA
issues the new approval to the trans-
foree.
2605)
[44 FR 31542, May 31, 1979. Redesignated at 47
FR 19527, May 6, 1982, and amended at 48 FR
13185, Mar. 30, 1983; 49 FR 28191, July 10, 1984;
53 FR 12524, Apr. 15, 1988; 58 FR 15809, Mar. 30,
1993; 63 FR 35439, June 29, 1998; 72 FR 57240,
Oct. 9, 2007; 74 FR 30233, June 25, 2009]
§ 761.71 High efficiency boilers.
(a) To burn mineral oil dielectric
fluid containing a PCB concentration
of ≥50 ppm, but <500 ppm:
(1) The boiler shall comply with the
following criteria:
(i) The boiler is rated at a minimum
of 50 million BTU hours.
(ii) If the boiler uses natural gas or
oil as the primary fuel, the carbon
monoxide concentration in the stack is
≤50 ppm and the excess oxygen is at
least 3 percent when PCBs are being
burned.
(iii) If the boiler uses coal as the pri-
mary fuel, the carbon monoxide con-
centration in the stack is ≤100 ppm and
the excess oxygen is at least 3 percent
when PCBs are being burned.
(iv) The mineral oil dielectric fluid
does not comprise more than 10 percent
(on a volume basis) of the total fuel
feed rate.
(v) The mineral oil dielectric fluid
is not fed into the boiler unless the boiler
is operating at its normal operating
temperature (this prohibits feeding