§ 761.185 Certification program and retention of records by importers and persons generating PCBs in excluded manufacturing processes.

(a) In addition to meeting the basic requirements of §761.1(f) and the definition of excluded manufacturing processes at §761.3, manufacturers with processes inadvertently generating PCBs and importers of products containing inadvertently generated PCBs must report to EPA any excluded manufacturing process or imports for which the concentration of PCBs in products leaving the manufacturing site or imported is greater than 2 micrograms per gram (2 μg/g, roughly 2 ppm) for any resolvable gas chromatographic peak. Such reports must be filed by October 1, 1984 or, if no processes or imports require reports at the time, within 90 days of having processes or imports for which such reports are required.

(b) Manufacturers required to report by paragraph (a) of this section must transmit a letter notifying EPA of the concentration of PCBs in imported products when the PCB concentration of products being imported is greater than 2 μg/g for any resolvable gas chromatographic peak. Persons must also certify the following:

1. Their compliance with all applicable requirements of §761.1(f), including any applicable requirements for air and water releases and process waste disposal.

2. Whether determinations of compliance are based on actual monitoring of PCB levels or on theoretical assessments.

3. That such determinations of compliance are being maintained.

4. If the determination of compliance is based on a theoretical assessment, the letter must also notify EPA of the estimated PCB concentration levels generated and released.

(c) Any person who reports pursuant to paragraph (a) of this section:

1. Must have performed either a theoretical analysis or actual monitoring of PCB concentrations.

2. Must maintain for a period of three years after ceasing process operations or importation, or for seven years, whichever is shorter, records containing the following information:

   (i) Theoretical analysis. Manufacturers records must include: the reaction or reactions believed to be generating PCBs; the levels of PCBs generated; and the levels of PCBs released. Importers records must include: the reaction or reactions believed to be generating PCBs and the levels of PCBs generated; the basis for all estimations of PCB concentrations; and the name and qualifications of the person or persons performing the theoretical analysis; or

   (ii) Actual monitoring. (A) The method of analysis.

   (B) Description of the sample matrix.

   (D) The name of the analyst or analysts.

   (E) The date and time of the analysis.

   (F) Numbers for the lots from which the samples are taken.

   (d) The certification required by paragraph (b) of this section must be
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§ 761.187 Reporting importers and by persons generating PCBs in excluded manufacturing processes.

In addition to meeting the basic requirements of §761.1(f) and the definition of excluded manufacturing process at §761.3, PCB-generating manufacturing processes or importers of PCB-containing products shall be considered “excluded manufacturing processes” only when the following conditions are met:

(a) Data are reported to the EPA by the owner/operator or importer concerning the total quantity of PCBs in product from excluded manufacturing processes leaving any manufacturing site in any calendar year when such quantity exceeds 0.0025 percent of that site’s rated capacity for such manufacturing processes as of October 1, 1984; or the total quantity of PCBs imported in any calendar year when such quantity exceeds 0.0025 percent of the average total quantity of such product containing PCBs imported by such importer during the years 1978, 1979, 1980, 1981 and 1982.

(b) Data are reported to the EPA by the owner/operator concerning the total quantity of inadvertently generated PCBs released to the air from excluded manufacturing processes at any manufacturing site in any calendar year when such quantity exceeds 10 pounds.

(c) Data are reported to the EPA by the owner/operator concerning the total quantity of inadvertently generated PCBs released to water from excluded manufacturing processes from any manufacturing site in any calendar year when such quantity exceeds 10 pounds.

(d) These reports must be submitted to the Document Control Office (DCO) (7407M), Office of Pollution Prevention and Toxics (OPPT), Environmental Protection Agency, 1200 Pennsylvania Ave., NW., Washington, DC 20460–0001, ATTN: PCB Notification. This report must be submitted by October 1, 1984 or within 90 days of starting up processes or commencing importation of PCBs.

(e) This certification process must be repeated whenever process conditions are significantly modified to make the previous certification no longer valid.
