

Enabling Statute: Canadian Environmental Protection Act, 1999

Storage of PCB Material Regulations (SOR/92-507)

Regulation current to June 22th, 2008

Storage of PCB Material Regulations

SOR/92-507

Registration August 27, 1992

CANADIAN ENVIRONMENTAL PROTECTION ACT, 1999

Storage of PCB Material Regulations

P.C. 1992-1842 August 27, 1992

Whereas, pursuant to subsection 48(1) of the Canadian Environmental Protection Act*, the Minister of the Environment published in the Canada Gazette Part I on June 9, 1992, a copy of the proposed Regulations respecting the storage of material containing chlorobiphenyls (PCBs) and amending the List of Toxic Substances in Schedule I to the Canadian Environmental Protection Act*, substantially in the form annexed hereto;

And Whereas, in the opinion of the Governor in Council, pursuant to subsection 34(3) of the Canadian Environmental Protection Act*, the annexed Regulations do not regulate an aspect of any substance that is regulated by or under any other Act of Parliament;

Therefore, His Excellency the Governor General in Council, pursuant to section 34** and subsection 87(2) of the Canadian Environmental Protection Act*, on the recommendation of the Minister of the Environment and the Minister of National Health and Welfare and after the federal-provincial advisory committee has been given an opportunity to provide its advice under section 6 of that Act, is pleased hereby to make the annexed Regulations respecting the storage of material containing chlorobiphenyls (PCBs) and amending the List of Toxic Substances in Schedule I to the Canadian Environmental Protection Act*. * R.S., c. 16 (4th Supp.)

** S.C. 1989, c. 9, s. 2

Regulations Respecting The Storage Of Material Containing Chlorobiphenyls (PCBs)

SHORT TITLE

1. These Regulations may be cited as the Storage of PCB Material Regulations.

INTERPRETATION

2. In these Regulations,

"container" means any package, can, drum, tank or other receptacle, and includes a shipping container; (récipient)

"dangerous goods" means any dangerous goods within the meaning of section 2 of the Transportation of Dangerous Goods Act; (marchandises dangereuses)

"National Fire Code" means the National Fire Code of Canada 1990, NRCC No. 30621, issued by the Associate Committee on the National Fire Code, National Research Council of Canada, as amended from time to time; (Code national de prévention des incendies)

"PCB equipment" means any equipment, machinery or similar manufactured item, including a capacitor and an electrical transformer, that contains a PCB liquid, PCB solid or PCB substance; (équipement contenant des BPC)

"PCB liquid" means a liquid that contains more than 50 mg of PCBs per kilogram of the liquid; (liquide contenant des BPC)

"PCB material" means any PCB equipment, PCB liquid, PCB solid or PCB substance; (matériel contenant des BPC)

"PCB solid" means a solid that contains more than 50 mg of PCBs per kilogram of the solid; (solide contenant des BPC)

"PCB storage site" means a site referred to in section 4 that is used to store PCB material; (dépôt de BPC)

"PCB substance" means a substance, other than a PCB liquid or a PCB solid, that contains more than 50 mg of PCBs per kilogram of the substance; (substance contenant des BPC)

"PCBs" means any chlorobiphenyls described in item 1 of the List of Toxic Substances in Schedule 1 to the Canadian Environmental Protection Act, 1999; (BPC)

"shipping container" means a structure for transporting commodities on trucks, railcars or ships that meets the requirements set out in the Safe Containers Convention Act. (conteneur)

SOR/2000-102, s. 16.

APPLICATION

3. (1) Subject to subsections (2), (4) and (5), these Regulations apply in respect of any of the following PCB material that is not being used daily:

(a) PCB liquids in an amount of 100 L or more;

(b) PCB solids or PCB substances in an amount of 100 kg or more;

(c) PCB liquids, PCB solids or PCB substances, or any combination thereof, in an amount less than that referred to in paragraph (a) or (b), that contains 1 kg or more of PCBs; and

(d) PCB equipment that contains an amount of PCBs, PCB liquids, PCB solids or PCB substances referred to in any of paragraphs (a) to (c).

(2) Paragraph (1)(d) does not apply in respect of PCB equipment that is shut down for a period of less than six months.

(3) For the purposes of subsection (1), the amount of PCBs, PCB liquids, PCB solids or PCB substances, as the case may be, shall be considered to be the following:

(a) in the case of a person who owns, controls or possesses PCB material that is in or on a property or on a parcel of land, the aggregate of all amounts of PCBs, PCB liquids, PCB solids or PCB substances, as the case may be, owned, controlled or possessed by that person

(i) in or on the property,

(ii) on the parcel of land, including the parcel of land on which the property referred to in subparagraph (i) is located,

(iii) on any parcel of land adjoining the land referred to in subparagraph (ii), and

(iv) within 100 m of any point situated on the outer limits of the land referred to in subparagraph (ii) and of the adjoining land referred to in subparagraph (iii); and

(b) in the case of a person who owns or manages a property in or on which PCB material is located or a parcel of land on which PCB material is located, the aggregate of all amounts of PCBs, PCB liquids, PCB solids or PCB substances, as the case may be, located

(i) in or on that property,

(ii) on that parcel of land,

(iii) on any parcel of land owned or managed by that person adjoining the land referred to in subparagraph (ii), and

(iv) within 100 m of any point situated on the outer limits of the land referred to in subparagraph (ii) and of the adjoining land referred to in subparagraph (iii).

(4) These Regulations do not apply in respect of the handling, offering for transport or transporting of PCB material governed by the Transportation of Dangerous Goods Act.

(5) These Regulations do not apply to the Department of National Defence in respect of PCB equipment that is an integral part of tactical equipment, where the PCB equipment is in storage for future use.

STORAGE OF PCB MATERIAL

4. Every person who owns, controls or possesses PCB material, or who owns or manages a property in or on which PCB material is located or a parcel of land on which PCB material is located, shall store the PCB material at a site that is

(a) a building, room, shipping container or other structure; or

(b) an area that is enclosed by a woven mesh wire fence or any other fence or wall with similar security characteristics, where the fence or wall is at least 1.83 m high.

5. Every person referred to in subsection 3(3) shall ensure that the requirements of these Regulations are met in respect of the PCB material.

GENERAL

6. Except where required for the purposes of treatment or destruction, no person shall mix or dilute any PCB liquid, PCB solid or PCB substance with any other substance.

7. (1) Every person who owns or manages a property in or on which PCB material is located, or a parcel of land on which PCB material is located, shall, at the request of an enforcement officer, determine the concentration of PCBs in any substance found in or on that property or on that land.

(2) The concentration of PCBs in any substance referred to in subsection (1) shall be measured in accordance with A Method for the Analysis of Polychlorinated Dibenzo-para-Dioxins (PCDDs), Polychlorinated Dibenzofurans (PCDFs) and Polychlorinated Biphenyls (PCBs) in Samples from the Incineration of PCB Waste, reference method 1/RM/3 (revised), published in May 1990 by the Department of the Environment, as amended from time to time.

SOR/2000-102, s. 18.

ACCESS TO PCB STORAGE SITE

8. Every owner or manager of a PCB storage site shall

- (a) keep the entrance to the site locked or guarded;
- (b) maintain at the site a register that contains the name of each person, and the name, address and telephone number of that person's place of business,
 - (i) who is authorized by the owner or manager to enter the site, and
 - (ii) who enters the site; and
- (c) permit only authorized persons to enter the site.

STORAGE REQUIREMENTS

9. Every owner or manager of a PCB storage site

- (a) shall store all PCB liquid in
 - (i) sealed containers, other than drums, that are made of steel or other metals that provide sufficient durability and strength to prevent the PCB liquid from being affected by the weather or released, or
 - (ii) drums that are
 - (A) of a capacity not greater than 205 L,
 - (B) a closed-head double-bung drum made of steel having a gauge of 16 or heavier, and
 - (C) painted or treated to prevent rusting;

(b) shall store all PCB solids and PCB substances in

(i) containers, other than drums, that are made of steel or other materials that provide sufficient durability and strength to prevent the PCB solids and PCB substances from being affected by the weather or released, or

(ii) drums that are

(A) of a capacity not greater than 205 L,

(B) made of steel having a gauge of 18 or heavier,

(C) equipped with a securely attached, removable steel lid and a gasket made of material that is resistant to the PCB solid or PCB substance, or any PCB liquid in the PCB equipment, being stored, and

(D) painted or treated to prevent rusting;

(c) may store PCB equipment containing PCB liquid in

(i) containers, other than drums, that are made of steel or other materials that provide sufficient durability and strength to prevent the PCB equipment from being affected by the weather, and to prevent any PCB liquid that leaks from the PCB equipment from being released, or

(ii) drums described in subparagraph (b)(ii);

(d) shall store all PCB equipment that is not in a container, other than drained PCB equipment, where that equipment contains PCB liquid, and all containers of PCB liquid, on a floor or surface that is made of steel, concrete or any other similar durable material, and that is constructed with curbing or sides that are capable of containing

(i) where one piece of equipment or one container is being stored, 125 per cent of the volume of the PCB liquid in the equipment or container, and

(ii) where more than one piece of equipment or more than one container is being stored, the greater of twice the volume of the PCB liquid in the largest piece of equipment or the largest container or 25 per cent of the volume of all the PCB liquid stored on the floor or surface;

(e) shall, where the material of the floor or surface or the curbing or sides referred to in paragraph (d) are capable of absorbing any PCB liquid or PCB substance, seal the floor, surface, curbing or sides with an impervious, durable, PCB-resistant coating;

(f) shall ensure that all floor drains, sumps or other openings in the floor or surface referred to in paragraph (d) are

(i) closed and sealed to prevent the release of liquids, or

(ii) connected to a drainage system suitable for liquid dangerous goods that terminates at a location where any spilled liquids will be contained and recovered and where the spilled liquids will not create a fire hazard or a risk to public health or safety;

(g) shall place on skids or pallets all PCB equipment and containers of PCB material that are not permanently secured to the floor or a surface;

(h) shall stack containers of PCB material, other than drums, only if the containers are designed for stacking, and shall stack containers of PCB liquid not more than two containers high;

(i) shall, where drums containing PCB material are stacked, separate the drums from each other by pallets and, in the case of drums of PCB liquid, stack the drums not more than two drums high;

(j) shall store PCB equipment and containers of PCB material in a manner that makes them accessible for inspection;

(k) shall store PCB material in a manner that prevents it from catching fire or being released;

(l) shall store PCB material together, and separate from other stored materials;

(m) shall, where reasonably practicable, equip any indoor PCB storage site having a mechanical exhaust system with heat or smoke sensory controls that stop the fan and close the intake and exhaust dampers in the event of a fire;

(n) shall, where PCB equipment or containers of PCB liquid are stored outdoors, cover all PCB equipment that is not in a container, other than drained PCB equipment, where that PCB equipment contains PCB liquid, and all containers of PCB liquid, by a weatherproof roof or barrier that protects the PCB equipment or containers and prevents rain or snow from entering the curbing or sides of the floor or surface under them; and

(o) shall ensure that all drained PCB equipment and all containers of any PCB solid or PCB equipment are structurally sound and weatherproof where stored outdoors.

FIRE PROTECTION AND EMERGENCY PROCEDURES

10. (1) Every owner or manager of a PCB storage site shall

(a) subject to subsection (2),

(i) develop and have in effect at the PCB storage site a fire protection and emergency procedures plan,

(ii) deposit one copy of the plan with the local fire department, and

(iii) keep one copy of the plan at the PCB storage site and another copy at the owner or manager's place of business;

(b) ensure that all employees who are authorized to enter the PCB storage site are familiar with the contents of the fire protection and emergency procedures plan;

(c) equip, except where the site is in a remote location and it is not possible to do so, an indoor PCB storage site with a fully operative fire alarm system that is maintained, inspected and tested in accordance with articles 6.3.1.1 to 6.3.1.3 of the National Fire Code and with

(i) portable fire extinguishers that meet the standards of article 6.2.1.2 of the National Fire Code and that are selected, installed, maintained, inspected and tested in accordance with articles 6.2.1.1 and 6.2.4.1 of that Code, or

(ii) an automatic fire suppression system, as and where required by article 3.3.6.9 of the National Fire Code;

(d) subject to subsection (2), provide the local fire department with a copy of the records and information referred to in section 16;

(e) ensure that all employees who are authorized to enter the PCB storage site are made aware of the hazards of PCBs and are familiar with the use of protective equipment and clothing and the clean-up procedures referred to in the “Guidelines for the Management of Wastes Containing Polychlorinated Biphenyls (PCBs)”, CCME-TS/WM-TRE008, September 1989, issued by the Canadian Council of Ministers of the Environment, as amended from time to time; and

(f) store absorbent materials for clean-up near the PCB storage site.

(2) Where there is no local fire department, the owner or manager of the PCB storage site shall

(a) develop and have in effect at the PCB storage site a fire protection and emergency procedures plan;

(b) provide one copy of the plan to the local officer appointed by the provincial Fire Marshall or to any other local authority responsible for fire protection, together with a copy of the records and information referred to in section 16; and

(c) keep one copy of the plan at the site and another copy at the owner or manager’s place of business.

MAINTENANCE AND INSPECTION

11. Every owner or manager of a PCB storage site shall

(a) inspect all floors, curbing, sides, drains, drainage systems, weatherproof roofs or barriers, fences and walls of the PCB storage site, any fire alarm system, fire extinguishers and fire suppression system, and all PCB equipment, containers used for the storage of PCB material and materials for clean-up at the PCB storage site

(i) each month,

(ii) at intervals of more than one month, where the Minister, on the written request of the owner or manager, has determined that it is not reasonably practicable to inspect the site each month, due to its remote location, or

(iii) at intervals of less than one month, where the Minister has determined that more frequent inspections are necessary for the safe operation of the site; and

(b) keep in good condition and, if damaged, immediately repair or replace such floors, curbing, sides, drains, drainage systems, weatherproof roofs or barriers, fences, walls, fire alarm system, fire extinguishers, fire suppression system, PCB equipment and containers and immediately clean up any contaminated area.

LABELLING REQUIREMENTS

12. Every owner or manager of a PCB storage site shall

(a) affix to every capacitor that is PCB equipment that contains 0.5 kg or more of PCBs, other than a capacitor that was stored in a container before February 20, 1989,

(i) a black and white label measuring 76 mm by 76 mm that bears a number registered with the Department of the Environment, in the form illustrated in Figure 1 of the schedule, or

(ii) another label of similar dimensions that indicates the presence of PCBs and that bears a number that has been provided to the Department of the Environment;

(b) affix to any container in which a capacitor that contains 0.5 kg or more of PCBs is stored

(i) a black and white label measuring 150 mm by 150 mm, in the form illustrated in Figure 3 of the schedule, or

(ii) another label of similar dimensions that indicates the presence of PCBs;

(c) affix to PCB equipment and containers of PCB equipment, other than capacitors or containers in which capacitors are stored, where the equipment contains PCB liquid in a concentration greater than 50 mg of PCBs per kilogram of the PCB liquid but not greater than 10 000 mg of PCBs per kilogram of the PCB liquid (1 per cent),

(i) a black and white label measuring 150 mm by 150 mm, in the form illustrated in Figure 4 of the schedule, or

(ii) another label of similar dimensions that indicates the presence of PCBs;

(d) affix to containers of PCB material, other than containers in which PCB equipment is stored, and drained containers of such PCB material, where the PCB material is in a concentration greater than 50 mg of PCBs per kilogram of the PCB material but not greater than 10 000 mg of PCBs per kilogram of the PCB material (1 per cent)

(i) a black and white label measuring 150 mm by 150 mm, in the form illustrated in Figure 4 of the schedule, or

(ii) another label of similar dimensions that indicates the presence of PCBs;

(e) affix to PCB equipment that contains PCB liquid in a concentration greater than 10 000 mg of PCBs per kilogram of the PCB liquid (1 per cent)

(i) a black and white label measuring 150 mm by 150 mm that bears a number registered with the Department of the Environment, in the form illustrated in Figure 2 of the schedule, or

(ii) another label of similar dimensions that indicates the presence of PCBs and that bears a number that has been provided to the Department of the Environment;

(f) affix to containers of PCB material, other than containers in which capacitors are stored, and drained containers of such PCB material, where the PCB material is in a concentration greater than 10 000 mg of PCBs per kilogram of the PCB material (1 per cent)

(i) a black and white label measuring 150 mm by 150 mm in the form illustrated in Figure 3 of the schedule, or

(ii) another label of similar dimensions that indicates the presence of PCBs and that bears a number that has been provided to the Department of the Environment; and

(g) affix to entrances to PCB storage sites

(i) a black and white label measuring 150 mm by 150 mm, in the form illustrated in Figure 3 of the schedule, or

(ii) another label of similar dimensions that indicates the presence of PCBs.

RECORDS

13. Every owner or manager of a PCB storage site shall maintain, and have available for review by an enforcement officer, a record containing the following information in respect of all PCB equipment and containers of PCB material at the PCB storage site, including every container of PCB material that is found in another container:

(a) the name-plate description, the manufacturer's serial number, any number for the PCB material that is registered with or provided to the Department of the Environment, the quantity of any PCB liquid, PCB solid or PCB substance contained in each piece of PCB equipment and in each container and the location of the PCB equipment and the containers at the PCB storage site;

(b) in the case of PCB material received at the PCB storage site,

(i) the address or location from which the PCB material was received,

(ii) the name of the individual who received the PCB material at the site,

(iii) the date of receipt,

(iv) the name of the carrier, and

(v) the information set out in paragraph (a) that is applicable to that PCB material; and

(c) in the case of PCB material removed from the PCB storage site,

(i) the destination of the PCB material,

(ii) the name of the individual who authorized the transport of the PCB material,

(iii) the date of removal,

(iv) the name of the carrier, and

(v) the information set out in paragraph (a) that is applicable to that PCB material.

SOR/2000-102, s. 18.

14. Every owner or manager of a PCB storage site shall keep, and have available for review by an enforcement officer, a record of all inspections conducted at the PCB storage site under paragraph 11(a), which record shall

(a) list all items that are inspected;

(b) describe any deficiency found; and

(c) set out the measures taken to remedy the deficiency.

SOR/2000-102, s. 18.

15. Every owner or manager of a PCB storage site who is required to maintain a record pursuant to section 13 shall retain the record for not less than five years after the removal of all PCB material from the PCB storage site.

REPORTING REQUIREMENTS

16. The owner or manager of a PCB storage site shall submit in writing to the Minister, care of the Regional Director of Environmental Protection, Department of the Environment, located in the same province as the PCB storage site,

(a) a copy of the record referred to in section 13 within 90 days after the day on which these Regulations come into force or, in the case of a PCB storage site established after that day, within 30 days after the site has been established;

(b) where PCB material is received at or removed from a PCB storage site, a copy of the information referred to in paragraphs 13(b) and (c)

(i) on January 1 and July 1 of each year, for capacitors containing less than 0.5 kg of PCBs, and

(ii) within 30 days after the date of receipt or removal, for any other PCB material; and

(c) information in respect of any change in the name or address of the owner or manager and any change in the location at the site of any PCB equipment or container of PCB material, within 30 days after the change.

17. [Repealed, SOR/2000-102, s. 17]

SCHEDULE

(Section 12)

FIGURES 1 TO 4

LABELS

GRAPHIC IS NOT DISPLAYED, SEE SOR/92-507, PP. 3576 TO 3579

Last updated: 2008-04-08 Important Notices