

THE MINISTRY OF ENVIRONMENTAL PROTECTION, PHYSICAL PLANNING AND CONSTRUCTION

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Pursuant to Article 104 paragraph 1 item 3 indent 9 of the Waste Act (Official Gazette 110/07) the Minister of Environmental Protection, Physical Planning and Construction, subject to the approval of the Ministry of the Economy, Labour and Entrepreneurship hereby issues the

ORDINANCE ON

THE MANAGEMENT OF POLYCHLORINATED BIPHENYLS AND POLYCHLORINATED TERPHENYLS

I GENERAL PROVISIONS

Article 1

This Ordinance stipulates the management of polychlorinated biphenyls (PCB) and polychlorinated terphenyls (PCT) and used PCBs and PCTs (hereinafter referred to as: »PCBs«) as well as equipment containing PCBs and PCTs (hereinafter referred to as: »equipment«), in order to fully recycle and/or dispose of them due to the threat that they present to the environment and human health.

Article 2

For the purposes of this Ordinance the following terms have the following meanings:

1. »PCBs« means:
 - Polychlorinated biphenyls
 - Polychlorinated terphenyls
 - Monomethyl-tetrachlorodiphenyl methane, Monomethyl-dichloro-diphenyl methane, Monomethyl-dibromo-diphenyl methane
 - any mixture containing any of the abovementioned substances in a total of more than 0,005 % by weight.
2. »Equipment containing PCBs« means any equipment or device containing PCBs or having contained PCBs such as transformers, capacitors, receptacles containing residual stocks and alike, which has not been decontaminated and which shall be treated as if it contains PCBs unless it is reasonable to assume the contrary;
3. »Used PCBs« means any PCBs which are waste within the meaning of special regulations governing waste management;
4. »Holder« means any legal or natural person – craftsman who manufactures and/or is in possession of PCBs, used PCBs and/or equipment containing PCBs;
5. »Decontamination« means all operations which enable equipment, objects, materials, fluids

or other substances contaminated by PCBs to be reused, recycled and/or disposed of under safe conditions, and which may include replacement, meaning all operations in which PCBs are replaced by suitable fluids not containing PCBs;

6. »Recycling of PCBs« means all operations prescribed by a special regulation under marks R1 i R13.

7. »Disposal of PCBs« means operations prescribed by a special regulation under marks D8, D9, D10, D12 and D15 permitted only in safe, deep, underground storage in dry rock formations and only for equipment containing PCBs and used PCBs which cannot be decontaminated.

II MANAGEMENT OF POLYCHLORINATED BIPHENYLS AND POLYCHLORINATED TERPHENYLS

Obligations of the PCBs' holder

Article 3

(1) The holder shall prepare an inventory of equipment with PCB volumes of more than 5 dm³. In the case when equipment is made of several power capacitors, the threshold of 5 dm³ shall be understood as including all the separate elements of a combined set.

(2) The inventory of equipment referred to in paragraph 1 of this Article shall be filled out on the PPCBU Form set out in Annex 1 of this Ordinance which contains the following data:

1. the name and address of the holder,
2. the location and description of the equipment
3. the quantity of PCBs contained in the equipment,
4. the dates and types of treatment or replacement carried out or envisaged,
5. the envisaged date of equipment decontamination.

(3) The Croatian Environment Agency (hereinafter referred to as: the Agency) shall keep records of the forms referred to in paragraph 2 of this Article.

Article 4

(1) The holder shall undertake all required measures in order to ensure recycling and/or disposal and decontamination of PCBs and equipment containing PCB referred to in Article 3 paragraph 1 of this Ordinance by 31 December 2010 at the latest.

(2) Equipment in respect of which it is reasonable to assume that the fluids contain between 0,05 % and 0,005 % by weight of PCBs may be inventoried as referred to in Article 3 paragraph 2 just containing items 1, 2 and 3.

(3) The equipment referred to in paragraph 2 of this Article may be labelled as »PCBs contaminated less than 0,05 %« and they shall be decontaminated in accordance with Article 11 paragraph 2 of this Ordinance.

(4) In case of possessing equipment referred to in paragraph 2 of this Article, the holder shall submit results of measuring the quantity of PBCs in fluid as evidence.

(5) The holder of such equipment shall notify the ministry in charge of environmental protection (hereinafter referred to as: the Ministry) on any changes in the information specified in paragraph 2 of this Article no later than 90 days after its occurrence.

Article 5

The holder shall take the necessary measures to ensure that any equipment which is subject to inventory referred to in Article 3 paragraph 1 of this Ordinance is labelled in line with a special regulation which stipulates protection measures. A similar labelling must also be affixed to the doors of the premises where such equipment is located.

Article 6

(1) The holder of equipment specified in Article 3 paragraph 1 of this Ordinance shall prepare the plan of decontamination and/or recycling and/or disposal of the prescribed equipment and the PCBs it contains.

The Plan shall contain the following data on:

- PCB quantity and content in the fluid;
- present and envisaged operations for preventing harmful environmental effects;
- present and envisaged operations of content replacement and decontamination;
- equipment and devices containing PCBs;
- operations for recovery and/or disposal of PCBs.

(2) A detailed inventory of equipment containing PCBs presents an integral part of the plan referred to in paragraph 1 of this Article, and it shall be prepared by filling out the PPCBO Form set out in Annex 3 of this Ordinance. The plan for the decontamination and/or recycling and/or disposal of the prescribed equipment and the PCBs it contains shall be submitted to the Ministry and to the Agency.

Article 7

(1) For the purpose of conducting measures for the management of PCBs as prescribed by this Ordinance, the following shall be prohibited:

- filling or topping up of transformers with PCBs,
- separating of PCBs from other substances for the purpose of reusing the PCBs,
- temporary storing of PCBs, used PCBs or devices containing PCBs, for longer than 24 months prior to decontamination operation or operations for recycling and/or disposal referred to in Article 2 item 6 of this Ordinance,
- incineration of PCBs and/or used PCBs on ships,
- marketing of PCBs and equipment containing PCBs if the fluid contains more than 0,005% PCBs by weight, after 31 December 2010.

(2) Until such time as they are decontaminated, taken out of service and/or recycled and/or disposed of in accordance with this Ordinance, the maintenance of devices containing PCBs may continue only if the objective is to ensure that the PCBs they contain comply with technical standards or specifications regarding dielectric quality and provided that the devices are in good working order and do not leak.

Article 8

(1) Measuring PCBs content in petroleum products, used oils and insulation fluids shall be performed in line with the method set out by HRN EN 12766 – 1 : 2002 en and HRN EN 12766 – 2 : 2002 en standards.

(2) Measurement of PCBs content may also be conducted by other experimental methods if the results confirming measurement are equal to and confirmed by results of measurement performed by standardised methods referred to in paragraph 1 of this Article.

Article 9

(1) Legal and natural person-craftsman registered for the performance of decontamination activities and/or decontamination and/or recycling and/or disposal of PCBs, used PCBs or equipment containing PCBs shall obtain a permit for the performance of hazardous waste management.

(2) An application for the issuing of the permit for hazardous waste management shall also contain, besides the requirements prescribed by the Waste Act, the following data:

- inventory of equipment which is subject of decontamination,
- envisaged decontamination procedure
- manner of conducting the procedure and manner of supervision for the purpose of control over environmental burdening during the performance of the decontamination procedure and
- handling waste residues after completion of the decontamination procedure.

Recycling, disposal and decontamination

Article 10

(1) Before PCBs, used PCBs and/or equipment containing PCBs are taken over, all precautions necessary to avoid any risk of fire shall be taken in line with special regulations and to this end they shall be kept away from any flammable products.

(2) Where reasonably practicable, equipment containing PCBs which is not subject to the inventory in accordance with Article 3 paragraph 1 of this Ordinance and which is part of another piece of equipment shall be removed and collected separately when the latter equipment is taken out of use, recycled and/or disposed of.

Article 11

(1) The holder shall undertake all required measures in order to ensure that transformers and other equipment containing more than 0,05 % by weight of PCBs are decontaminated under the following conditions:

- (a) the objective of the decontamination must be to reduce the level of PCBs to less than 0,05 % by weight and, if possible, to no more than 0,005 % by weight;
- (b) the replacement fluid not containing PCBs must entail markedly lesser risks;
- (c) the replacement of the fluid must not compromise the subsequent recycling and/or disposal of the PCBs;
- (d) the labelling of the transformer or other device after its decontamination must be replaced by the labelling specified in the Annex 2 of this Ordinance.

(2) By way of derogation from Article 4 paragraph 1 of this Ordinance, the holder shall ensure that transformers with fluids which contain between 0,05 % and 0,005 % by weight of PCBs are either decontaminated under the conditions laid down in items (b), (c) and (d) from paragraph 1 of this Article or recycled and/or disposed of at the end of their useful lives.

Article 12

(1) After the decontamination of equipment containing PCB has been completed, the label set out in Article 5 of this Ordinance shall be replaced by the labelling specified in Annex 2 of this Ordinance.

(2) The labelling referred to in paragraph 1 of this Article shall be imprinted in such a way that it cannot be destroyed.

Article 13

- (1) Where incineration is used for recycling or disposal, a special regulation which prescribes thermal waste treatment shall apply.
- (2) Other methods of recycling and/or disposing of PCBs, used PCBs and/or equipment containing PCBs may be accepted provided they achieve equivalent environmental safety standards in comparison with incineration and if they fulfil the technical requirements referred to as best available techniques.

III TRANSITIONAL AND FINAL PROVISIONS

Article 14

- (1) The holder of equipment referred to in Article 3 paragraph 1 of this Ordinance shall submit, on the forms prescribed in Article 3 paragraph 2 of this Ordinance, the inventory to the Ministry and Agency within 6 months from the entry into force of this Ordinance.
- (2) The holder of equipment referred to in Article 3 paragraph 1 of this Ordinance shall, in line with Article 5 of this Ordinance, label the equipment within 9 months from the entry into force of this Ordinance.
- (3) The holder of equipment referred to in Article 3 paragraph 1 of this Ordinance shall draw up the decontamination plan referred to in Article 6 of this Ordinance within 12 months from the entry into force of this Ordinance.

Article 15

Annexes 1, 2 and 3 with corresponding contents are published along with this Ordinance and form an integral part thereof.

Article 16

This Ordinance shall enter into force on the eighth day from the day of its publication in the Official Gazette.

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Zagreb, 10 September 2008

Minister
Marina Matulović Dropulić, m. p.

ANNEX 1

FORM FOR THE REGISTRATION OF EQUIPMENT CONTAINING PCBs
(PPCBU)

Data on company/craft	
Holder:	
Address:	
Tel: Fax: Email:	
Data on the activity	
Activity code:	
Company's unique registration number:	
Equipment data	
Type of equipment:	
Location of equipment::	
Date of equipment installation	
Quantity of PCBs in equipment	
Data on recycling and/or disposal and decontamination	
Envisaged date and manner of recycling and/or disposal:	
Envisaged date of decontamination:	
Date of application	
Name and signature of responsible person	

ANNEX 2

Decontaminated PCB equipment

Decontaminated PCB equipment
Fluid, which contained PCBs, has been replaced: with _____ (name of replacement fluid) on _____ (date) by _____ (company) Percentage of PCBs in equipment by weight: Old fluid _____ Replacement fluid _____

ANNEX 3

Form for detailed description of equipment containing PCBs (PPCBO)

Number:	
Date:	

A Data on company/craft and equipment			
1.	Name of company/craft		
2.	Seat of company/craft		
3.	Location on which equipment is stored: (Different from A2)		
4.	Telephone:		
	Fax:		
	E-mail:		
5.	Contact person:		
6.	Activity of company/craft		
7.	Description of area where the equipment is held	Industrial area	
		Town	
		Uninhabited area	
8.	Type of equipment	Transformers	
		Capacitors	
		Other	
9.	Use of equipment	1985	kWh/year

	on site	At present	kWh/year
10.	Plan of PCBs removal		

B Information on existing PCB equipment			
1.	Name of company/craft		
2.	Type of equipment (transformer, capacitor, etc.)		
3.	Identification code of an item from item register		
4.	Serial number of equipment		
5.	Workload		
6.	Date of manufacture		
7.	Weight (kg)	Equipment weight without fluid	
		Fluid weight	
		Total weight	
		Size of equipment (length, width, height in m)	
8.	Type of fluid or insulation oil		
9.	Quantity of PCB in fluid	> 10% PCB	
		> 0,05% PCB	
		> 0,005% PCB	
		< 0,005% PCB	
		Fluid does not contain PCBs according to the statement issued by the manufacturer	
		Fluid has been removed from equipment	
10.	Date of measurement of PCBs quantity and method used		
11.	Performer of PCBs measurement and number of measurement report		
12.	Use of equipment	In use: date of beginning of use	
		Prepared for use	
		Not in use	
13.	State of equipment	Release of fluid	
		Prescribed measure	
		Place of storage (outdoors, roofed, fenced place etc.)	

14.	Maintenance of equipment	Topping up	
		Date of last topping up	
		Name of undertaking which has performed topping up	
		Name of replacement fluid/insulation oil	
		Name of original fluid, insulation oil	
15.	Other data		

C Information on storing waste, which contains PCBs	
1.	Type of waste (etc. transformer oil in containers)
2.	Assessed quantity (kg)
3.	Have storage containers been attested?
4.	Is the storage place marked?
5.	Has the soil or building been strengthened for the purpose of PCBs release?
6.	Description of the performed remediation activities or recycling and/or disposal of stored waste (when, who, where, etc.)
7.	Other information, as the results of measuring PCBs quantity and the like.

Surname, name and signature of responsible person:

Date: