

## PCB Management Regulations

made under Section 84 and other regulation making Sections of the Environment Act

S.N.S. 1994-95, c. 1

O.I.C. 95-291 (April 11, 1995), N.S. Reg. 52/95

as amended by O.I.C. 97-747 (December 2, 1997), N.S. Reg. 163/97

### Citation

1 These regulations may be cited as the "PCB Management Regulations".

### Definitions

2 In these regulations

(a) "Act" means the Environment Act;

(b) "Administrator" means a person appointed by the Minister for the purpose of the Act, and includes an acting Administrator;

(c) "container" means any package, can, drum, tank, or other receptacle intended to safely hold a substance;

(d) "Minister" means the Minister of the Environment;

(e) "PCB equipment" means any manufactured item that contains a PCB liquid, a PCB solid, or a PCB substance, and includes transformers and capacitors;

(f) "PCB liquid" means any liquid containing more than 50 parts per million by weight of PCBs;

(g) "PCB solid" means any material or substance, other than a PCB liquid, that is a solid at ambient temperature and pressure and that contains PCBs at a concentration greater than 50 parts per million by weight of PCBs;

Clause 2(g) amended: O.I.C. 97-747, N.S. Reg. 163/97.

(h) "PCB substance" means a substance other than a PCB solid or a PCB liquid, that contains more than 50 parts per million by weight of PCBs;

(i) "PCB waste" includes a PCB liquid, a PCB solid, a PCB substance, and PCB equipment that has been taken out of service for the purpose of disposal;

(j) "PCBs" means those chlorinated biphenyls that have the molecular formula C<sub>12</sub>H<sub>10-n</sub>Cl<sub>n</sub> in which "n" is greater than 2, as described in Column 1 of Item 1 of the List of Toxic Substances in Schedule 1 to the Canadian Environmental Protection Act;

(k) "storage site" means any lands or premises that are used to store PCB waste.

### Designation

3 For the purposes of the Act and these regulations,

(a) PCB liquids, PCB solids, and PCB substances are designated as dangerous goods; and

(b) PCB waste is designated as waste dangerous goods.

### Administrator

4 The Minister may appoint an Administrator to administer these regulations.

#### General

5 (1) Subject to subsection (2), no person shall mix, dilute or adulterate a PCB liquid, a PCB solid, or a PCB substance with any other substance without the prior written approval of the Minister or an Administrator.

(2) PCB wastes having the same physical state may be placed within the same storage container if the concentration of PCBs in the combined contents of the container do not drop below 50 parts per million by weight of PCBs.

(3) No person shall dispose of a PCB liquid, a PCB solid, a PCB substance or a PCB waste without the prior written approval of the Minister or an Administrator.

(4) No person shall store PCB waste that that person did not produce without the prior written approval of the Minister or an Administrator.

Section 5 replaced: O.I.C. 97-747, N.S. Reg. 163/97.

#### Application of regulations

6 (1) Subject to subsection (2), these regulations apply to every storage site where the stored PCB waste contains more than 0.5 kg of PCBs.

(2) Where an adverse effect is being caused or may be caused, the Minister or an Administrator may apply these regulations to a storage site containing less than the quantity of PCB waste prescribed in subsection (1).

(3) Section 15 of these regulations applies to any burial of PCB waste, including burial in any industrial landfill designated under Section 25 of the Activities Designation Regulations and any landfill as defined in the Solid Waste-Resource Management Regulations.

Subsection 6(3) added: O.I.C. 97-747, N.S. Reg. 163/97.

#### Location of site

7 An owner, operator or person responsible for a storage site shall provide an Administrator with the address and the location of the storage site.

#### Access to site

8 (1) An owner, operator or person responsible for a storage site shall ensure that

(a) access to the storage site is controlled to prevent entry by unauthorized persons;

(b) equipment or material not used for the handling of a PCB waste is not stored in or permitted to enter a storage site; and

(c) a registry is maintained that contains the name, address and occupation of each person who is authorized to enter the storage site on a continuing basis as part of the normal maintenance of the storage site or for a particular purpose.

(2) No person shall enter a storage site unless that person is authorized to do so by the owner, operator or person responsible for the storage site and the name, address and occupation of that person are placed in the registry.

#### Storage site

9 An owner, operator or person responsible for a storage site shall ensure that

- (a) the floor or other surface of the storage site on which undrained PCB equipment or PCB liquid is stored, whether indoors or outdoors, is constructed of steel, concrete or other durable material;
- (b) where undrained PCB equipment or PCB liquid is stored on a floor or other surface of the storage site, the floor or surface of the storage site is provided with curbing or sides sufficient to contain at least twice the volume of the PCB liquid contained in the largest item of equipment containing PCB liquid on the site or 25% of the volume of all the PCB liquids on the site, whichever is the greater;
- (c) where the material of the floor or other surface described in clause (b) or the curbing or sides of the storage site is capable of absorbing PCBs, the floor, surface, curbing or sides are sealed with a durable PCB-resistant coating;
- (d) any existing floor drains, sumps or other openings in the floor are closed and sealed to prevent the escape of a liquid;
- (e) stored PCB waste is segregated from any other chemicals and, in the case of solvents and other flammable material is segregated by means of a fireproof barrier or adequate space separation;
- (f) an indoor storage site having a mechanical exhaust system is equipped with heat and smoke sensory controls that stop the fan and close the intake and exhaust dampers in the event of a fire;
- (g) where PCB liquid is stored outside, the storage area or stored item is covered by a waterproof roof or barrier which extends beyond the curbing or sides;
- (h) containers containing a PCB solid or PCB equipment, and all drained PCB equipment are structurally sound and sealed from the weather where stored outdoors;
- (i) drums used to contain PCB solids
  - (i) are not of greater capacity than 205 l,
  - (ii) are made of steel having a gauge of 18 or heavier,
  - (iii) are painted to prevent rusting, and
  - (iv) have a securely attached, removable steel lid and a gasket of PCB resistant material;
- (j) drums used to contain PCB liquids are
  - (i) not of greater capacity than 205 l,
  - (ii) closed double-bung drums made of steel having a gauge of 16 or heavier, and
  - (iii) painted to prevent rusting;
- (k) all containers of PCB waste and all PCB equipment are placed on pallets except
  - (i) transformers that are placed on skids,
  - (ii) PCB equipment that is permanently secured to the floor or a surface, or
  - (iii) PCB solids and PCB equipment placed on a floor or other surface of a storage site that meets the requirement of clauses (a), (b) and (c);

Clause 9(k) replaced: O.I.C. 97-747, N.S. Reg. 163/97.

(l) subject to clause (m), containers of PCB waste are not stacked and are located in such a manner as to provide access for visual inspection from all sides or, where viewing from all sides is not practical, alternative monitoring is provided and approved in writing by an Administrator;  
Clause 9(l) replaced: O.I.C. 97-747, N.S. Reg. 163/97.

(m) drums of PCB waste on pallets and containers which have been specially designed for stacking are not stacked more than two high and are located to provide access for inspection from all sides.

#### Fire protection and emergency procedures

10 An owner, operator, or person responsible for a storage site shall ensure that

(a) an emergency procedures plan, approved by an Administrator, is in effect, all employees are trained in its application, and a copy of the plan is deposited at

(i) the local fire department,

(ii) the storage site, and

(iii) the place of business of the owner, operator, or the person responsible;

(b) every indoor PCB storage site is equipped

(i) with a fire alarm system, and

(ii) with portable or flood-type fire extinguishers;

(c) the chief of the local fire department or the chief's designate is provided with a copy of the records referred to in Section 14;

(d) materials for clean-up, including adsorbents or solvents, are maintained on site; and

(e) adequate safety equipment is available.

#### Maintenance and inspection

11 An owner, operator, or person responsible for a storage site shall

(a) inspect the storage site monthly, including PCB equipment, floors, drains, drainage systems, fire prevention apparatus, personnel protection equipment, and security fences, and if necessary, repair or replace immediately any damaged or defective items; and

(b) immediately repair or replace any containers or equipment found to be leaking PCBs and immediately clean up any contaminated area.

#### Labelling requirements

12 An owner, operator, or person responsible for a storage site shall ensure that

(a) capacitors containing 0.5 kg or more of PCBs shall be labelled with either Environment Canada's serialized black and white "ATTENTION/ CAUTION contains PCB" label, measuring 76 mm by 76 mm, or an alternative approved in writing by an Administrator;

(b) electrical transformers, electromagnets and other equipment containing PCBs in a concentration exceeding 1% shall be labelled with either Environment Canada's serialized black and white "ATTENTION PCB" label, measuring 150 mm by 150 mm, or an alternative approved in writing by an Administrator;

(c) equipment containing PCBs in a concentration exceeding 50 parts per million by weight but not greater than 1% shall be labelled with either Environment Canada's "Warning Label for PCB-Contaminated Equipment", or an alternative approved in writing by an Administrator;

(d) drums containing PCBs or material containing PCBs in a concentration exceeding 50 parts per million by weight shall be labelled with Environment Canada's non-serialized black and white "ATTENTION PCB" label, measuring 150 mm by 150 mm, or an alternative approved in writing by an Administrator;

(e) doors to storage sites, fencing, and other security barriers enclosing storage sites shall be labelled with Environment Canada's non-serialized black and white "ATTENTION PCB" label, measuring 150 mm by 150 mm, or an alternative approved in writing by an Administrator.

#### Maintenance of books and records

13 An owner, operator, or person responsible for a storage site shall maintain books and records respecting

(a) an inventory of PCB waste and the quantity of PCBs contained at the storage site as of the effective date of these regulations;

(b) each item of PCB waste received at the storage site after the effective date of these regulations, including

(i) date of receipt,

(ii) description, including nameplate description, serial number, PCB registration number, and quantity,

(iii) condition,

(iv) source,

(v) name of the carrier, and

(vi) name of the individual who accepted receipt;

(c) each item of PCB waste removed from the storage site, including

(i) date of removal,

(ii) description,

(iii) condition,

(iv) name of the carrier,

(v) destination, and

(vi) name of the individual authorizing the transport; and

(d) reports of monthly inspections and any action taken as required by these regulations or an Administrator.

#### Reporting requirements

14 An owner, operator, or person responsible for a storage site shall submit to an Administrator

(a) a copy of the records specified under clause 13(a) within 30 days of the effective date of these regulations; and

(b) copies of the records specified in clauses 13(b) and 13(c) where PCB waste is received or removed,

(i) on January 1 and July 1 of each year, for receipt or removal of capacitors containing less than 0.5 kg of PCBs per item, and not more than 1.0 kg in total, and

(ii) within 30 days after the date of the receipt or removal for any other PCB waste.

No disposal by landfilling or burial

15 (1) No person shall dispose of PCB waste by landfilling or burial on, from and after the effective date of these regulations.

(2) Subsection (1) does not apply to a site contaminated with PCBs for which permanent burial or containment, either in situ or within a facility located at or adjacent to the site, is approved in writing by an Administrator.

(3) No person, including a municipality, shall accept for disposal PCB waste in a landfill, on, from and after the effective date of these regulations.

Section 15 added: O.I.C. 97-747, N.S. Reg. 163/97.

Effective dates

16 These regulations come into force on, from and after [the] April 11, 1995.

Original Section 15 renumbered 16: O.I.C. 97-747, N.S. Reg. 163/97.

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